Annual Report 1988

JOINT COMMITTEE ON ADMINISTRATIVE RULES

1988
ANNUAL REPORT

1988 ANNUAL REPORT
OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Submitted to the Members of the
General Assembly of the State of Illinois

Membership

Senator Emil Jones, Jr. Co-Chairman
Representative Myron J. Olson, Co-Chairman
Senator Laura K. Donahue, Vice Chairman
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January 1, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

509 S. SIXTH STREET • ROOM 500
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HONORABLE MEMBERS OF THE 86TH GENERAL ASSEMBLY

Ladies and Gentlemen:

We hereby submit the 1988 Annual Report of the Joint Committee on Administrative Rules. As Co-Chairmen of the Joint Committee, we are happy to report the continued progress of the oversight process in Illinois. An overview of the Joint Committee's rules review activities can be found in the following pages.

We gratefully acknowledge your continued support and assistance and we encourage all members of the General Assembly to take an active role in this vital oversight function which guarantees that the public right to know is protected through the promulgation of specific rules which are applied equally to everyone regulated. We welcome your suggestions and comments on agency rules and the development of the role of the Joint Committee. Only as each of us as elected representatives becomes concerned and involved in the oversight process, can the Joint Committee, acting on your behalf, ensure that the intent of the legislation that we pass is upheld.

Respectfully,

Senator Emil Jones, Jr.
Co-Chairman

Representative Myron Olson
Co-Chairman

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INTRODUCTION

The Joint Committee on Administrative Rules was created by the Illinois General Assembly in 1977 as a mechanism for legislative oversight of the rulemaking process in Illinois. The Illinois Administrative Procedure Act summarizes the Joint Committee's role as the "promotion of adequate and proper rules by agencies and an understanding on the part of the public respecting such rules." This provision established the Joint Committee's two major functions: (1) working with State agencies to improve the rulemaking process and agencies' rules, and (2) promoting public understanding of rules and the rulemaking process.

The Joint Committee was established as a legislative support services agency by the Legislative Commission Reorganization Act of 1984. The Joint Committee's principal programs and activities include:

- Review of general rulemakings within statutory time periods to ensure that new rulemaking proposals are within the agency's statutory authority, are legally proper, and meet the procedural requirements of the Illinois Administrative Procedure Act.
- Review of emergency and peremptory rulemakings to ensure that these rules comply with the statutory requirements because these rules are not subject to the public comment period.
- Review of agency rules and policies to determine whether agency rules have been properly promulgated, and whether rules are unauthorized or unreasonable, or result in serious impact upon the public.
- Public Act review to determine the necessity for new or amendatory rulemaking in response to legislative changes.
- Legislative activities which ensure that the requirements of the Illinois Administrative Procedure Act are followed.
- Publication of Illinois Regulation, a weekly newsletter that highlights State agency rulemaking activities.

This Annual Report contains a narrative of the Joint Committee's activities during 1988, as well as a statistical summary of the rulemaking activities of State agencies. It also includes a summary of legislation drafted and sponsored by the Joint Committee, including legislation amending the Illinois Administrative Procedure Act, that was passed during the 1988 session of the 85th General Assembly. All Joint Committee legislation is the result of the review of State agency rules. Appendix A contains a historical overview of the Joint Committee as well as pertinent historical statistics, and Appendix B provides the most recent version of the Illinois Administrative Procedure Act.

Information about the operations of the Joint Committee, and about State agency rules and rulemakings, are supplied to individual members of the General Assembly, members of the public, lobbyists, and organizations upon request. Requests include copies of rules, hearing transcripts, or status information regarding certain rules or types of rules. This information is transmitted promptly to the requesting entity.

MEMBERSHIP

The Joint Committee on Administrative Rules consists of twelve members who are appointed by the legislative leadership. Membership is equally apportioned between the two houses and the two political parties Two co-chairmen are selected by the members of the Joint Committee. The co-chairmen cannot be members of the same house or the same political party. The members also select a vice-chairman and a secretary.

The members receive no compensation for their services, but are reimbursed for travel expenses. The Joint Committee maintains a full-time staff of twenty-eight persons in Springfield. Legislators who presently serve on the Joint Committee are listed on the first page of this report.

Former members of the Joint Committee are:

Arthur L. Berman
Prescott E. Bloom
Glen L. Bower
Jack E. Bowers
Woods Bowman
John Cullerton
Michael Curran
Richard M. Daley
Vince Demuzio
James H. Donnewald
Jim Edgar
James Gitz
Alan J. Greiman
Carl E. Hawkinson
Jeremiah E. Joyce
Douglas N. Kane
Richard Kelly, Jr.
Bob Kustra
Thaddeus "Ted" Lechowicz
Larry Leonard
Richard Luft
John W. Maitland, Jr.
Lynn Martin
John M. Matejek
Roger McAuliffe
A. T. "Tom" McMaster
David J. Regner
Jim Reilly
Philip J. Rock
George Sangmeister
Frank D. Savickas
Sam Vinson
Richard A. Walsh
Robert C. Winchester
Kathleen Wojcik
Harry "Bus" Yourell

REVIEW OF GENERAL RULEMAKING

State agencies proposed 621 general rulemakings during 1988. (See Table 1 for a breakdown of general rulemakings by agency, and Table 17 for a comparison of general rulemaking from 1979 through 1988). The Joint Committee issued 80 objections and 46 recommendations to general rules (See Table 2) during the same period. The Joint Committee also issued 1 objection and 1 recommendation to existing rules (See Table 4). Review of the rules by the Joint Committee resulted in changes to the vast majority of the proposals. The changes varied from minor drafting and editing revisions to extensive, substantive rewrites of rules. This section of the report explains the general rulemaking process and the criteria used by the Joint Committee in evaluating rules. Also included is a summary of some of the general rulemakings considered by the Joint Committee in 1988.

General Rulemaking Process

Section 3.09 of the Illinois Administrative Procedure Act defines "rule" as:

> each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, (b) informal advisory rulemakings issued pursuant to Section 9, (c) intra-agency memoranda or (d) the prescription of standardized forms.

Rules must be promulgated pursuant to the Act in order to be enforced by a State agency. There are three methods for promulgating a rule.

Section 5.01 of the Act explains the general rulemaking procedure. This procedure must be used for all rules which are not (1) related solely to agency management, personnel practices, or to public property, loans or contracts, (2) an emergency rulemaking as defined by Section 5.02 of the Act, or (3) a peremptory rulemaking as defined by Section 5.03 of the Act.

Section 5.01(a) explains the "first notice," or public notice and comment requirements. Agencies must publish the text of proposed rules in the Illinois Register, a weekly publication of the Office of the Secretary of State, and accept public comments on the rulemaking for the length of time specified in the notice which must accompany the text. At least 45 days' notice of the intended rulemaking action must be given to the public. This time is called the "first notice period," and it begins on the day that the notice of general rulemaking appears in the Illinois Register. The primary purpose of the first

notice period is to provide the regulated public with an opportunity to review and comment upon the rulemaking proposal.

Some agencies hold public hearings on their proposals in order to solicit comments. The Departments of Agriculture and Public Health often hold such hearings. Section 5.01 also provides that agencies must hold public hearings whenever the agency finds that a hearing would elicit public comments which might not otherwise be submitted, or if a request for a hearing is made by 25 interested persons, an association representing at least 100 persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government, and is received by the agency within 14 days after publication of the rulemaking in the Illinois Register.

After the expiration of the "first notice period," agencies are required to submit the proposed rules, along with any changes made in these rules during the first notice period, to the Joint Committee for review. Agencies submit this information in the form of a "second notice," which must include the text and location of any changes made in the rule, a final regulatory flexibility analysis which reports the effects of the rule on small businesses, an evaluation of comments received regarding the rule during the first notice period, an analysis of the anticipated effects of the rule, the justification and rationale for the rule, and, if requested by the Joint Committee, an analysis of the economic and budgetary effects of the rule.

The Joint Committee reviews the rule based upon the criteria outlined in the Committee's Operational Rules (1 Ill. Adm. Code 220). These criteria include legal and rulemaking authority, compliance with legislative intent and statutory authority, compliance with State and federal constitutions and other laws, adequacy of standards and criteria for the exercise of discretionary powers, clarity, consideration of the economic and budgetary effects of the rule, compliance with the Regulatory Flexibility Law and the Illinois Administrative Procedure Act, and compliance with the agency's rulemaking requirements. Pursuant to these review criteria, the Joint Committee raises issues regarding the rules.

If all issues are resolved, the Joint Committee will certify no objection to the rule, which enables the agency to adopt the rule by publication of the rule in the Illinois Register and filing an official copy of the rule with the Office of the Secretary of State. If the issues are not resolved, they are presented in the form of recommendations for Joint Committee action. The types of action recommended include objection, suspension, or legislation. Table 3 breaks down the number of objections and recommendations issued by the Joint Committee by type. If recommendations for objection are voted by the Joint Committee, they are published in the Illinois Register and the agency must respond to the objection within 90 days by modifying the rule, refusing to modify the rule, or withdrawing the rule. The response must be presented to the Joint Committee and be published in the Illinois Register. Agency responses may result in additional Joint Committee action. This action often results in an objection to an existing rule because agencies may adopt rules upon submission of a response to the Joint Committee. Agencies are also requested to respond to Joint Committee recommendations. Responses to recommendations are published in the Illinois Register and evaluated by the Joint Committee.

General Rulemaking in 1988

Fifty-seven State agencies adopted 621 general rulemakings in 1988 (See Table 1) and the Joint Committee issued 80 objections and 46 recommendations to general rulemaking during the year (See Table 2). Once again, the Department of Public Aid adopted more general rules (107) than any other State agency (17.2% of the total). Other State agencies with a great deal of rulemaking activity included the Pollution Control Board (73, 11.7%), the Department of Public Health (50, 8%), the Secretary of State (30, 4.8%), the Department of Rehabilitation Services (25, 4%), and the Department of Conservation (24, 3.8%).

Table 3 breaks down the Joint Committee's objections and recommendations to general rulemakings by type. The most common objection to general rules is that general rulemaking violated general rulemaking procedures. The Joint Committee issued 16 objections (20% of the total) on this basis in 1988. Two other common objections were that the general rulemaking lacked statutory authorization (15) or violated Section 4.02 of the Illinois Administrative Procedure Act, which requires State agencies to include precise standards in rules which implement discretionary authority (14). These types of objections accounted for 18.7% and 17.5%, respectively. The most common recommendation issued in 1988, which was generally issued in conjunction with an objection based upon lack of, or conflict with, statutory authority, was that the agency seek legislation to remedy the problem. Twenty-six recommendations (56.5% of the total) were issued on this basis. Another common recommendation (11, 23.9% of the total) occurred when the Joint Committee recommended that an agency submit policy that is not currently in rules and a timetable for rulemaking to the Joint Committee.

Table 4 breaks down the Joint Committee's objections to existing rules by agency, and Table 5 breaks down these objections by type. The Joint Committee issued 1 objection and 1 recommendation to existing rules that were incomplete.

The text of the objections and recommendations issued by the Joint Committee to general rules and rulemakings during 1988 is included in another Committee publication entitled "1988 Index of Objections and Recommendations."

Significant General Rulemakings

Summarized in this section are several of the most important general rulemakings and Joint Committee objections and recommendations issued in 1988.

Department of Transportation

The Department of Transportation proposed rules entitled "Vending Machines in Rest Areas" (92 Ill. Adm. Code 534) to govern a joint program of the Department of Transportation and the Department of Rehabilitation Services

for the placement of vending machines to be operated by blind vendors in safety rest areas constructed or located on rights-of-way of non-toll full access State highways. The Joint Committee objected to these rules in February of 1988 because the Department lacks the statutory authority to determine that a vending operation will not be placed in a rest area facility that has less than 700 square feet, and recommended that if the Department believes that it should have the authority to determine that a minimum lobby space is necessary to have a vending facility, the Department should seek legislation to obtain such authority. The Illinois Highway Code, which provides the statutory authority for this program, contains no minimum space requirements that must be met before a vending operation can be installed in a rest area.

The Department stated that it believes that 700 square feet are necessary for a vending facility. In response to the Joint Committee's objection, the Department refused to modify or withdraw its rules. The Department did not respond to the Joint Committee's legislative recommendation. In June of 1988, the Joint Committee approved legislation that amends the Highway Code to prohibit the Department from requiring minimum lobby space for vending areas in excess of minimum federal square footage requirements set forth in federal regulations governing the vending stand program for the blind.

The Joint Committee also recommended that the Department of Rehabilitation Services initiate rulemaking to set forth procedures regarding the selection and operation of vending facilities by private contractors in those instances in which no blind vendor is interested in the site, as well as rules which detail the responsibilities of blind vendors and private contractors regarding utility costs, the security of vending machines, liability resulting from the operation and maintenance of vending machines, return of lost money, and customer complaints. The Department agreed to propose rulemaking regarding the responsibilities of blind vendors and private contractors under the rest area program. The Department proposed such rules on September 30, 1988.

Illinois Commerce Commission

The Illinois Commerce Commission proposed amendments to the rules entitled "Fees and Taxes" (92 Ill. Adm. Code 1205) to implement increases in fees for commercial transportation activities regulated by the Commission, such as licensure of motor carriers of property, rate filings, registration of interstate motor carriers of property, equipment lease filings, motor carrier of property annual reports, proof of insurance coverage filings, and broker's licensure. The rules increase fees for applications for licensure and transfer of a license, create new ordering and tariff auditing fees, and include a fee for intervention in proceedings before the Commission. The Joint Committee objected to the Commission's rules because the Commission lacks the statutory authority to impose by rule commercial transportation fees in addition to those fees specifically established in the Illinois Commercial Transportation Law.

The Commission cited Section 18c-1501 of the Illinois Commercial Transportation Law as its statutory authority for establishing such fees. This section sets forth specific levels for franchise, franchise renewal, filing and other fees absent Commission regulations prescribing different fee levels. The Joint Committee's question concerning the Commission's authority to impose additional fees parallels questions raised by members of the

transportation industry. The comments received by the Commission from members of the affected transportation industry take issue with the Commission's contention that the phrase "filing and other fees" in Section 18c-1501 of the Law authorizes the Commission to establish fees in addition to those listed. Filing and other fees are, the commentators contend, those fees specifically set forth in the Law. The Commission refused to modify or withdraw its rules in response to the Joint Committee's objection.

The Joint Committee also recommended that if the Commission believes that it should be able to impose commercial transportation fees in addition to those established in Section 18c-1501 of the Law, the Commission seek legislation to amend the Law to provide it with such authority. The Commission did not respond to the Joint Committee's recommendation. In October of 1988, the Joint Committee approved legislation amending the Illinois Commercial Transportation Law to prohibit the Commission from imposing new fees in addition to those set forth in Section 18c-1501 of the Law.

Department of Public Health

The Department of Public Health proposed amendments to "Minimum Health Care Standards for Health Maintenance Organizations" (77 Ill. Adm. Code 240). The proposed rule sets forth the requirements pertaining to the contents of an Health Maintenance Organization (HMO) application which must be submitted to the Department of Insurance for the certificate of authority to establish and operate an HMO. The Department's rules require such applications to include information pertaining to personnel, organization and provider requirements, provision of care requirements, and the HMO self-evaluation structure. In August of 1988, the Joint Committee objected to the Department's rules because, contrary to the Health Maintenance Organization Act, (1) the Department of Public Health has prescribed the contents of the application for the certificate of authority to establish and operate an HMO, rather than the Department of Insurance, which has the duty to prescribe the contents of the application, and (2) the Department has established an annual fee based on the number of enrollees in the organization rather than charge the health maintenance organization for the cost of an examination, and (3) the Department has failed to provide clear and precise standards governing what constitutes a material misrepresentation and a material violation of the contract or evidence of coverage, or what constitutes good faith, contrary to Section 4.02 of the Illinois Administrative Procedure Act.

In addition, the Joint Committee suggested that the Department of Insurance initiate rulemaking to prescribe the contents of the application for the certificate of authority to establish and operate an HMO. The Joint Committee also suggested to the Department of Public Health and the Department of Insurance that if the Departments believe that the Department of Public Health should prescribe the contents of the application for the certificate of authority to establish and operate an HMO, the Departments should seek legislation amending the Health Maintenance Organization Act to transfer this authority to the Department of Public Health from the Department of Insurance.

The Department refused to modify or withdraw its rules in response to the Joint Committee's objections, and refused to seek the recommended legislation.

In November of 1988, the Joint Committee approved legislation amending the Health Maintenance Organization Act to require the Department of Public Health to adopt rules specifying that a Health Maintenance Organization will be assessed a fee for the Director of the Department's examination, and to specify that such fee may not be an annual fee or an incremental fee based upon the number of enrollees in the Health Maintenance Organization, but rather shall be based upon the actual cost of the examination. Legislation amending the Health Maintenance Organization Act to require the Department of Public Health to promulgate rules specifying the standards used for determining what constitutes a material misrepresentation, what constitutes a material violation of a contract or evidence of coverage, or what constitutes good faith with regard to certification was also approved by the Joint Committee.

In response to the Joint Committee's recommendation, the Department of Insurance stated that it agrees with the recommendation to initiate rulemaking to prescribe the contents of the HMO application. The Department of Insurance is currently revising its HMO regulations and agreed to include the Joint Committee's recommendations in its revisions. The Joint Committee is monitoring the progress of the Department of Insurance in promulgating such rules.

Department of Children and Family Services

The Department of Children and Family Services proposed amendments to "Confidentiality of Personal Information of Persons Served by the Department" (89 Ill. Adm. Code 431). These rules implement the Department's policies regarding disclosure of information on HIV test results or diagnoses of AIDS-related complex (ARC) or AIDS. Such information will be released to the Department on children for whom the Department is legally responsible. The Department will disclose these test results or diagnoses to persons with a need to know as defined in the Department's rules. The Joint Committee objected to the Department's rules in December of 1988 because the Department exceeded its statutory authority by proposing rules authorizing it to disclose confidential AIDS-related information regarding children for whom it has temporary protective custody, rather than legal custody or legal guardianship under the Juvenile Court Act.

The Joint Committee also objected to these rules because the Department implemented the amendments prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of the Act, and because the rules fail to set forth standards for determining whether an appellant's case will be prejudiced or whether the appellant's due process of law principles will be violated unless the identity or location of persons reporting or cooperating in a child abuse or neglect investigation is released.

In addition, the Joint Committee recommended to the Department that if the Department believes it should be authorized to disclose confidential AIDS-related information regarding children for whom it has only temporary protective custody, that it seek legislation to specifically authorize such disclosure, and that prior to the adoption and implementation of these rules, the Department provide the Joint Committee with a copy of the forms used by the Department to authorize disclosure and redisclosure of information

regarding children with HIV infection or a diagnosis of ARC or AIDS. The Department has not yet responded to the Joint Committee's objections and recommendations.

Department of Alcoholism and Substance Abuse

The Department of Alcoholism and Substance Abuse proposed amendments to rules entitled "Driving Under the Influence Programs" (77 Ill. Adm. Code 2056) to establish requirements pertaining to the driving under the influence programs, including evaluation, remedial education, and beverage alcohol sellers and servers education and training programs. The rules specify the programs that are subject to licensure, provide that separate licensure shall be required for each service in each location in which the service is offered at least three days per week, and provide the Department's requirements on licensure fees.

The Joint Committee objected to the Department's rules in May of 1988 because, contrary to the Illinois Alcoholism and Other Drugs Dependency Act, the Department will exempt a satellite program from applying for a license and paying the requisite fee if the services are offered at the site less than three days per week, rather than require the program to pay a licensure fee for each site at which activities requiring licensure are conducted. In addition, the Joint Committee recommended that if the Department believes that a separate licensure fee should not be required of satellite programs that offer services less than three days per week, it seek legislation to clarify its authority to exempt these satellite programs from the required licensure fee.

The Department stated that it will only impose one fee on a program unless its satellite programs offer services at a different location at least three days a week; however, the Illinois Alcoholism and Other Drugs Dependency Act clearly requires a separate fee for each site at which activities requiring licensure are conducted. The Department acknowledged that the Act prescribes a separate fee for each site at which services are provided, and amended Senate Bill 1996 to clarify its authority to exempt satellite programs from the licensure fee, in response to the Joint Committee's objection. In June of 1988, the Joint Committee voted to monitor the progress of Senate Bill 1996. Senate Bill 1996 was amendatorily vetoed in September 1988 for other reasons, however, and the veto was not accepted by the General Assembly.

TABLE 1
GENERAL RULEMAKING BY AGENCY

Aging, Department on	3
Agriculture, Department of	21
Alcoholism and Substance Abuse, Department of	6
Attorney General	3
Banking Board of Illinois, State	2
Banks and Trust Companies, Commissioner of	6
Capital Development Board	3
Central Management Services, Department of	11
Children and Family Services, Department of	9
Civil Service System, State Universities	2
Commerce and Community Affairs, Department of	17
Commerce Commission, Illinois	24
Community College Board, Illinois	5
Comptroller	4
Conservation, Department of	24
Corrections, Department of	5
Education, State Board of	9
Educational Labor Relations Board, Illinois	2
Emergency Services and Disaster Agency	2
Employment Security, Department of	19
Environmental Protection Agency	16
Ethics, Board of	1
Experimental Organ Transplantation Procedures Board	1
Export Development Authority, Illinois	1
Farm Development Authority, Illinois	2
Financial Institutions, Department of	4
Fire Marshal, Office of the State	1
Governors of State Colleges & Universities, Board of	1
Health Care Cost Containment Council, Illinois	2
Health Facilities Planning Board	3
Higher Education, Illinois Board of	1
Housing Development Authority, Illinois	1
Insurance, Department of	12
Labor, Department of	2
Labor Relations Boards, Illinois State & Local	4
Liquor Control Commission, Illinois	1
Lottery, Department of	2

TABLE 1
GENERAL RULEMAKING BY AGENCY
(continued)

Mental Health and Developmental Disabilities, Department of	3
Nuclear Safety, Department of	7
Pollution Control Board	73
Prisoner Review Board	2
Professional Regulation, Department of (1)	14
Public Aid, Department of	107
Public Health, Department of	50
Racing Board, Illinois	11
Rehabilitation Services, Department of	25
Revenue, Department of	20
Savings and Loan Associations, Commissioner of	4
Scholarship Commission, State	5
Secretary of State	30
Sports Facilities Authority, Illinois	2
State Employees' Retirement System	1
State Police, Department of	4
State Police Merit Board, Department of	2
Teachers' Retirement System of Illinois	1
Transportation, Department of	25
Travel Regulation Council	1
Trustees of the University of Illinois, Board of	2
TOTAL	621

(1) The Department of Registration and Education became the Department of Professional Regulation in 1988.

TABLE 2
OBJECTIONS AND RECOMMENDATIONS ISSUED TO GENERAL RULEMAKING
BY AGENCY

Agency	Number of Objections	Number of Recommendations
Aging, Department on	-	1
Alcoholism & Substance Abuse, Department of	2	1
Banks and Trust, Commissioner of	-	1
Central Management Services, Department of	4	-
Children and Family Services, Department of	4	4
Commerce and Community Affairs, Department of	2	1
Commerce Commission, Illinois	2	1
Community College Board, Illinois	2	1
Conservation, Department of	-	1
Criminal Justice Information Authority, Illinois	1	-
Educational Labor Relations Board, Illinois	1	-
Emmergency Services & Disaster Agency	1	-
Employment Security, Department of	5	4
Environmental Protection Agency	4	1
Ethics, Board of	1	-
Financial Institutions, Department of	1	-
Insurance, Department of	-	2
Labor, Department of	1	1
Nuclear Safety, Department of	-	2
Pollution Control Board	3	-
Professional Regulation, Department of	4	4
Public Aid, Department of	11	6
Public Health, Department of	9	6
Racing Board, Illinois	4	1
Savings & Loan Associations, Commissioner of	3	1
Scholarship Commission, Illinois State	3	-
Secretary of State	2	1
State Employees' Retirement System	1	-
State Police, Department of	1	-
State Universities Civil Service System	1	-
Transportation, Department of	7	6
TOTAL	80	46

TABLE 3
OBJECTIONS AND RECOMMENDATIONS ISSUED TO GENERAL RULEMAKING BY TYPE

Type of Objection	Number of Objections	Percentage of Total
Violates General Rulemaking Procedures	16	20.0%
Statutory Authority	15	18.7%
Standards and Criteria	14	17.5%
Conflicts with Authorizing Statute	14	17.5%
Violates Economic and Budgetary Effects Analysis Requirements	9	11.3%
Rules Incomplete	4	5.0%
Violates State Mandates Analysis Requirements	2	2.5%
Rules Do Not Reflect Agency Policy	2	2.5%
Violates Incorporation by Reference Procedure	1	1.25%
Rules Not Clear/Terminology Vague	1	1.25%
Policy Not in Rules	1	1.25%
Violates Regulatory Flexibility Analysis Requirements	1	1.25%
TOTAL	80	

Type of Recommendation	Number of Recommendations	Percentage of Total
Agency Seek Legislation	26	56.5%
Submit Policy/Timetable to Joint Committee	11	23.9%
Rulemaking	5	10.8%
Agency Cease Implmenting Rules/Policy	1	2.2%
Petition/Contact Federal Agency	1	2.2%
Agency Agree to Extend Second Notice	1	2.2%
Agency Not Include Retroactive Effect Provision in Rules	1	2.2%
TOTAL	46	

TABLE 4
OBJECTIONS AND RECOMMENDATIONS ISSUED TO EXISTING RULES BY AGENCY

Agency	Number of Objections	Number of Recommendations
Department of Employment Security	1	-
Department of Public Aid	-	1
TOTAL	1	1

TABLE 5
OBJECTIONS AND RECOMMENDATIONS ISSUED TO EXISTING RULES BY TYPE

Type of Objection	Number of Objections	Percentage of Total
Rules Incomplete	1	100%

Type of Recommendation	Number of Recommendations	Percentage of Total
Rulemaking	1	100%

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REVIEW OF EMERGENCY AND PEREMPTORY RULEMAKING

The Illinois Administrative Procedure Act includes two provisions which permit agencies to adopt rules by methods other than the general rulemaking process. These methods, emergency and peremptory rulemaking, allow agencies to adopt rules within a shorter period of time than is provided in the general rulemaking process. The use of emergency and peremptory rulemaking, which provides for the immediate implementation of a rule, is scrutinized by the Joint Committee because these processes circumvent the public notice and comment provisions of the Act. Seventeen State agencies adopted 78 emergency rulemakings during 1988. (See Table 18 for a comparison of emergency rulemaking from 1981 through 1988.) In addition, five State agencies adopted peremptory rulemakings in 1988. (See Table 19 for a comparison of peremptory rulemaking from 1981 through 1988.) The Joint Committee issued 37 objections and 2 recommendations to emergency rules (Tables 7 and 8) and 2 objections and one recommendation to peremptory rules (Tables 10 and 11).

Emergency Rulemaking Process

Section 5.02 of the Act authorizes the use of emergency rulemaking if the promulgating agency determines that a situation exists which threatens the public interest, safety or welfare, and which requires the adoption of a rule on fewer days' notice than is required for general rulemaking. Emergency rules can become effective immediately and can remain in effect for a maximum of 150 days. Agencies which want to keep rules adopted on an emergency basis in effect for a longer period of time must propose and adopt the rule using the general rulemaking provisions of the Act. Certain restrictions are placed upon the use of emergency rulemaking because there is no notice and comment period or prior review by the Joint Committee. First, the emergency rule can only contain those provisions which are in direct response to the emergency situation. Second, an agency cannot adopt an emergency rule that has "substantially the same purpose and effect" more than once in any 24-month period. Third, the agency must inform the affected public of the emergency rule. Through the emergency rulemaking procedures, the Illinois Administrative Procedure Act provides agencies with necessary flexibility to respond to emergency situations, but balances this with the temporary nature of the rule and the restrictions imposed.

Emergency Rulemaking in 1987

Seventeen State agencies adopted 78 emergency rulemakings in 1988, and the Joint Committee issued 37 objections and 2 recommendations during that period. The Department of Public Health adopted more emergency rules than any other State agency, with eighteen, which accounted for 23% of the total. The Department of Public Aid adopted 17 emergency rules (22% of the total), and the Department of Conservation adopted 7 emergency rules (8.9% of the total). Most emergency rules were justified on the basis of a statutory change, either state or federal, a delay in implementation of which would constitute a threat to the public interest, safety or welfare.

Table 8 breaks down the Joint Committee's objections and recommendations to emergency rulemakings by type. The most common objection to emergency rules is a violation of the emergency rulemaking procedures. This occurs when there is no threat to the public interest, safety, or welfare which justifies the emergency. The Joint Committee issued 20 objections (54.1% of the total) on this basis in 1988. Another common objection, which accounted for 21.6% of the total, was that the State agency which adopted the emergency rule created the emergency either through action or inaction. The Illinois Supreme Court held, in Senn Park Nursing Center v. Miller, 104 Ill. 2d 169 (1984) that an agency-created emergency could not justify the use of emergency rulemaking. The Joint Committee also reviews the statutory authority for emergency rules and issued 2 objections on the basis that the agency did not have the statutory authority for the rule. The Joint Committee also issued 2 recommendations that an agency seek legislation to grant the proper authority.

The text of the objections and recommendations issued by the Joint Committee to emergency rules and rulemaking during 1988 is included in another Committee publication entitled "1988 Index of Objections and Recommendations."

Significant Emergency Rulemaking

Summarized in this section are several of the most important emergency rulemakings and Joint Committee objections and recommendations issued during 1988.

The Department of Public Health adopted emergency rules entitled "AIDS Confidentiality and Testing Code" (77 Ill. Adm. Code 697) in January 1988, to implement the AIDS Confidentiality Act, the AIDS Registry Act, and amendments to the Illinois Marriage and Dissolution of Marriage Act and "An Act in relation to the prevention of certain communicable diseases". The definitions section of the rules defined the term "ARC" to mean "AIDS-related complex, as defined by the Centers for Disease Control of the United States Public Health Service. The Centers for Disease Control has no published definition. Therefore, the definition of the National Institutes of Health has been adopted by the Department." The definition then duplicates the National Institutes of Health's definition of AIDS-related complex. The AIDS Registry Act defines "ARC" as "AIDS-related complex, as defined by the Centers for Disease Control of the United States Public Health Service". The Joint Committee recommended in February of 1988, that, if the Department of Public Health believes it is necessary to use the definition of AIDS-related complex adopted by the National Institutes of Health rather than the Centers for Disease Control's definition, the Department should seek legislation to amend the AIDS Registry Act to incorporate the National Institutes of Health's definition. These rules also contain a provision concerning tests to detect infection with human immunodeficiency virus (HIV). The rules provide that any person, laboratory, blood bank, hospital or other entity that conducts laboratory tests to detect the evidence of infection with HIV shall use United States Food and Drug Administration or Department approved tests, and specify the tests that are currently approved for such purposes. The Joint Committee recommended that if the Department of Public Health believes it is necessary to promulgate rules specifying the approved tests for detecting an infection with HIV and governing the conduct of such testing, it seek

legislation to clarify its authority to promulgate such rules. In response to the Joint Committee's recommendations, the Department, in Public Act 85-1248, (House Bill 3831), effective August 30, 1988, amended the AIDS Registry Act to include the definition of AIDS-related complex of the National Institutes of Health, and to specify that the Department shall approve tests or testing procedures used in determining exposure to HIV or any other identified causative agent of AIDS. In an amendment to these rules proposed in December of 1988, the Department revised the definition of "ARC" to reference the definition established by the National Institutes of Health.

The Department of Public Health adopted emergency amendments to "Asbestos Abatement for Public and Private Schools in Illinois" (77 Ill. Adm. Code 855) in February of 1988. These emergency rules set forth procedures governing the Department's asbestos abatement program for schools in Illinois and include provisions governing the qualifications of persons placed on the Department's accredited supervisor, contractor, inspector, management planner, and project design lists. In addition, the rules establish inspection and reporting requirements and the procedures used by contractors to contest their denial of inclusion on, or removal from, the Department's list of abatement contractors. The Joint Committee issued three objections to these emergency rules in April 1988. The Joint Committee objected to these rules because the rules, which allow a contractor applicant ten days to make a written request for a hearing to contest his denial of inclusion on, or removal from, the Department's list of abatement contractors, conflict with the Asbestos Abatement Act, which requires the Department to fix a date, not less than fifteen days from the date of its notification, by which an applicant must request such a hearing. The Joint Committee also objected to these emergency rules because the rules fail to inform school districts of both the required contents of its asbestos management plan and the standards used to evaluate such a plan. The rules require each Local Education Agency to submit a management plan for its asbestos site, which shall be approved or disapproved by the Department within 90 days, list the elements of a management plan, and require that a management plan contain response action plans for each homogeneous area of asbestos-containing material. Finally, the Joint Committee objected to these rules because the rules failed to clearly articulate the coursework requirements that must be met by investigatory and management personnel working with asbestos in order to obtain accreditation from the Department. The Department did not formally respond to the Joint Committee's objections; however, in a subsequent rulemaking proposed in April of 1988, to replace these emergency rules, the Department amended those sections of the rules that were included in the objections. These modifications adequately remedied the Joint Committee's objections.

The Department of Revenue adopted emergency amendments to rules entitled "Retailers' Occupation Tax" (86 Ill. Adm. Code 130) and "Service Occupation Tax" (86 Ill. Adm. Code 140) in September 1988. The Department adopted these emergency rulemakings to implement provisions of Public Act 85-1135, effective September 1, 1988, which amended Section 2 of the Retailers' Occupation Tax Act to subject products of photoprocessing (photographs, negatives) to taxation under this Act, and Sections 2 and 3 of the Service Occupation Tax Act to exempt photoprocessing machinery and equipment from the taxation provisions of that Act. Amendments to the "Retailers' Occupation Tax" rules provide that retailers of photoprocessing products are subject to the Retailers' Occupation Tax. Such retailers include photofinishers, portrait

and studio photographers, free-lance and other photographers engaged in the business of selling the products of photoprocessing. The amendments specify that photoprocessing products include, but are not limited to, negatives, prints, motion pictures and slides. With the adoption of amendments to the "Service Occupation Tax" rules, photographers who employ the use of photoprocessing labs will be held liable under the amended provisions of the Service Use Tax Act and the Department's revised rulemaking to be fully liable for the photoprocessing tax because they employed the services of a photoprocessing lab in the provision of their service. The Joint Committee objected to the Department's emergency rulemakings in October 1988, because they are contrary to the legislative intent behind the enactment of Public Act 85-1135, in that the rules place a tax levy on those providing photographic services rather than subjecting the products of photoprocessing to taxation. In response to the Joint Committee's objection to the "Retailers' Occupation Tax" rules, the Department modified these rules, in accordance with the Joint Committee's objection, by providing that the products of photoprocessing and not photography services are subject to taxation, although photographers are still liable for collection and payment of the tax on the photoprocessing component of their total service charge when they sell products of photoprocessing. In response to the Joint Committee's objection to the "Service Occupation Tax" rules, the Department refused to modify the rule to meet the objection.

TABLE 6
EMERGENCY RULEMAKING BY AGENCY

Agriculture, Department of	2
Alcoholism and Substance Abuse, Department of	1
Central Management Services, Department of	8
Commerce and Community Affairs, Department of	1
Commerce Commission, Illinois	4
Conservation, Department of	7
Educational Labor Relations Board	1
Employment Security, Department of	4
Pollution Control Board	1
Professional Regulation, Department of	2
Public Aid, Department of	17
Public Health, Department of	18
Racing Board, Illinois	1
Revenue, Department of	4
Savings and Loan, Commissioner of	4
Scholarship Commission, State Illinois	1
Sports Facilities Authority, Illinois	2
TOTAL	78

TABLE 7
OBJECTIONS AND RECOMMENDATIONS ISSUED TO EMERGENCY RULEMAKING BY AGENCY

Agency	Number of Objections	Number of Recommendations
Alcoholism and Substance Abuse Department of	1	-
Central Management Services, Department of	3	-
Conservation, Department of	1	-
Employment Security, Department of	5	-
Professional Regulation, Department of	4	-
Public Aid, Department of	3	-
Public Health, Department of	15	2
Revenue, Department of	2	-
Savings and Loan, Commissioner of	3	-
TOTAL	37	2

TABLE 8
OBJECTIONS AND RECOMMENDATIONS ISSUED TO EMERGENCY RULES
BY TYPE

Type of Objection	Number of Objections	Percentage of Total
Violates Emergency Rulemaking Procedures	20	54.1%
Agency Created Emergency	8	21.6%
Statutory Authority	2	5.4%
Conflicts with Authorizing Statute	2	5.4%
Violates Legislative Intent	2	5.4%
Rules Not Clear/Terminology Vague	1	2.7%
Rules Incomplete	1	2.7%
Standards and Criteria	1	2.7%
TOTAL	37	

Type of Recommendation	Number of Recommendations	Percentage of Total
Agency Seek Legislation	2	100%

Peremptory Rulemaking Process

Section 5.03 of the Act authorizes the use of peremptory rulemaking only in very restricted circumstances. Rules adopted by use of peremptory rulemaking may become effective immediately, and remain in effect indefinitely. Certain restrictions are placed upon the use of peremptory rulemaking because there is no notice and comment period or prior review by the Joint Committee.

First, peremptory rulemaking can be used only if the rulemaking is specifically required by federal law, federal rules and regulations, court order, or in the case of pay rates, collective bargaining agreement. Second, the federal law, federal rules and regulations, court order, or collective bargaining agreement must impose conditions which preclude compliance with the general rulemaking requirements. Third, the agency must not have any discretion regarding the content of the rule. Fourth, a notice of peremptory rulemaking must be filed with the Secretary of State for publication in the Illinois Register within 30 days after the change is required.

Peremptory Rulemaking in 1988

The Department of Central Management Service's use of peremptory rulemaking during 1988, (7 rulemakings) to amend "Pay Plan" rules (8 Ill. Adm. Code 310) accounted for 37% of the total peremptory rulemakings adopted during the year. Peremptory rulemaking was necessary to implement the terms of contracts resulting from collective bargaining agreements. The Joint Committee issued one objection to "Pay Plan" in September 1988, because the Department did not file a notice of peremptory rulemaking within 30 days after it became necessary to do so, as required by the Illinois Administrative Procedure Act.

The Department of Rehabilitation Services used peremptory rulemaking to amend rules entitled "Sequential Evaluation Process for the Determination of Disability" (89 Ill. Adm. Code 845). The Joint Committee objected to this rulemaking in May of 1988. The rulemaking, adopted on March 18, 1988, provides the second step in the sequential evaluation process for determining the presence of a disability. The Department determines whether a person is disabled for the purpose of ascertaining the person's eligibility for disability benefits under the federal Social Security Act. The Joint Committee objected to this rulemaking because the rulemaking was not required by a court order or a change in federal rules or law, but was required by a memo issued by the Social Security Administration and that, as such, the Department should have adopted this rule through an emergency rulemaking.

All 7 peremptory rulemakings adopted by the Department of Agriculture (37% of the total) amended the "Meat and Poultry Inspection Act" rules (8 Ill. Adm. Code 125). Peremptory rulemaking was required because the federal Meat and Poultry Inspection Act and the Illinois Act require the Department's rules to mirror federal regulations.

TABLE 9

PEREMPTORY RULEMAKING BY AGENCY

Agriculture, Department of	7
Central Management Services, Department of	7
Commerce Commission, Illinois	2
Public Aid, Department of	2
Rehabilitation Services, Department of	1
TOTAL	19

TABLE 10

OBJECTIONS AND RECOMMENDATIONS ISSUED TO PEREMPTORY RULES BY AGENCY

Agency	Number of Objections	Number of Recommendations
Central Management Services, Department of	1	-
Commerce Commission, Illinois		1
Rehabilitation Services, Department of	1	

TABLE 11

OBJECTIONS AND RECOMMENDATIONS ISSUED TO PEREMPTORY RULES BY TYPE

Type of Objection	Number of Objections	Percentage of Total
Violates Peremptory Rulemaking Procedures	2	100%

Type of Recommendation	Number of Recommendations	Percentage of Total
Submit Policy/Timetable to Joint Committee	1	100%

ECONOMIC IMPACT REVIEW

In January of 1988, the Joint Committee began including a review of economic impact forms for each rulemaking on the agenda of its monthly meetings. These forms fall into three categories: (1) an analysis prepared by the agency of the economic impact of a proposed rule on the regulated public and the agency's budget, (2) a determination by the agency and also by the Department of Commerce and Community Affairs concerning whether the proposed rule creates or expands a state mandate, and (3) an analysis by the Department of Commerce and Community Affairs of the impact of the proposed rule on small businesses and small municipalities.

The Illinois Administrative Procedure Act grants the Joint Committee the authority to request from the agency an analysis of the "effect of a new rule, amendment or repealer, including any direct economic effect on the persons regulated by the rule; any anticipated effect on the proposing agency's budget and the budgets of other State agencies; and any anticipated effects on State revenues". The Agency Analysis of Economic and Budgetary Effects form is used to ascertain the effects a rulemaking may have on these persons or entities. This form is requested of the agency by the Joint Committee during the first notice period. The agency submits the completed analysis at the beginning of the second notice period.

The Illinois Administrative Procedure Act also requires agencies to consider the impact a rulemaking may have upon small businesses and small municipalities. The Business Assistance Office within the Department of Commerce and Community Affairs analyzes rulemakings for small business impact at the request of the agency. The Department of Commerce and Community Affairs then submits its small business impact analysis to the Joint Committee at the beginning of the second notice period. Although Section 46.19d of "The Civil Administrative Code" requires the Office of Rural Community Development within the Department of Commerce and Community Affairs to "assess the fiscal impact of proposed rules upon small municipalities and work with agencies in developing flexible regulations through a regulatory review program", the Department does not analyze rulemakings for small municipality impact. In fact, the Department's proposed rules which would have implemented the statute requiring small municipality impact analysis were allowed to lapse by the Department. The Department stated that the reason for allowing these rules to lapse was that the Office of Rural Community Development, which is responsible for small municipality impact, is not currently funded or staffed.

If it appears during the first notice period that a rulemaking creates or expands a state mandate, the Joint Committee requests the agency to complete a State Mandates Questionnaire, which is used to determine if any such impact exists. The Joint Committee, at this time, also requests the Department of Commerce and Community Affairs to submit an analysis of possible impact upon state mandates. These analyses are submitted prior to, or at the beginning of, the second notice period. Joint Committee staff examines the economic analyses for each rulemaking during the second notice period. The review is then presented to the Joint Committee for consideration at its monthly meeting.

During the course of reviewing the economic impact of agency rulemakings over the past year, several problems or inconsistencies arose. Frequently, agencies stated that their rulemakings would affect regulated persons, either positively or negatively, yet they indicated no dollar amount of the effect on regulated persons, as the agencies believed the amount to be indeterminable. In other instances the agencies specified a monetary amount for each affected person, but gave no indication or approximation of how many persons would be affected. Another common inconsistency was that although agencies expanded or created programs that increase reporting requirements, thereby increasing staff duties and expenditures, they did not believe that their budgets would be affected.

Agencies frequently stated that their budgets would not be affected by the expansion or creation of programs because the money had already been budgeted for or appropriated. In many cases, it appeared that the agencies simply did not consider what effect the rulemaking would have on agency staff and, therefore, on the agency budget.

The most prevalent problem with the economic impact forms, however, was the lack of information received. Many times the submitted forms consisted totally of zeroes or "not applicable" notations. Based on the lack of information received, it would seem that agencies do not fully consider the economic impact of rulemaking, either during the development of the rule, after promulgation, or during the review of the rule.

Throughout the year, there was a problem with the timeliness of information and analyses received form the Department of Commerce and Community Affairs. The Department of Commerce and Community Affairs is responsible for analyzing the impact of rulemakings upon small businesses, small municipalities, and state mandates. As mentioned, the Department does not analyze the impact of rulemakings on small municipalities. During 1988, 38.2% of the state mandates analyses requested to be submitted by the Department of Commerce and Community Affairs were not timely, that is they were not submitted by the end of the rulemaking's first notice period, and 29.4% of the analyses were never submitted. Also, of the small business impact analyses requested, 73.2% were not submitted in a timely fashion and 8.5% were never submitted. According to the Illinois Administrative Procedure Act, the written notice submitted to the Joint Committee that begins the second notice period must contain an analysis of the economic and budgetary effects, if requested. The Illinois Administrative Procedure Act also requires that the small business impact analysis, completed by the Department of Commerce and Community Affairs, be submitted prior to the commencement of the second notice period. However, due to the consistent lack of timeliness in the submission of analyses by the Department of Commerce and Community Affairs, the Joint Committee was forced to begin allowing agencies to commence the second 45-day notice period for rulemakings before the necessary economic impact forms were received. This was necessary in order to avoid delaying the implementation of governmental policy and procedures.

The following chart is a compilation of the economic information on the proposed, emergency and peremptory rulemakings throughout 1988. The chart presents the title of the rulemaking, the effect of the rulemaking on persons regulated and the monetary impact of the rulemaking, the effect on the agency budget, the determination of the agency and the Department of

Commerce and Community Affairs regarding the creation or expansion of a state mandate, the effect on small businesses as determinated by the Department of Commerce and Community Affairs and the regulatory alternatives suggested by the Department of Commerce and Community Affairs or considered by the agency. The chart illustrates that the agencies concerned and the Department of Commerce and Community Affairs believed that the majority of rulemakings promulgated in 1988 had no effect on regulated persons, did not create or expand a state mandate, and had no effect on small businesses.

TABLE 12

SUMMARY OF ECONOMIC IMPACT FOR 1988

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
January							
Department of Agriculture							
Swine Disease Control and Eradication Act; 8 Ill. Adm. Code 105	New					None $ 0	0
Illinois Pseudorabies Control Act; 8 Ill. Adm. Code 115	New	None	$ 0			None $ 0	0
Definitions; 8 Ill. Adm. Code 20	Clarifies					None $ 0	0
Illinois Bovine Tuberculosis Eradication Act; 8 Ill. Adm. Code 80	Clarifies					None $ 0	0
Diseased Animals; 8 Ill. Adm. Code 85	Clarifies					None $ 0	0
Animal Diagnostic Laboratory Act; 8 Ill. Adm. Code 110	Expands						
Swine Brucellosis; 8 Ill. Adm. Code 100	Expands	None	$ 0			None $ 0	1
Bovine Brucellosis; 8 Ill. Adm. Code 75	Expands	Positive or none $ Not Given	$ 0			Positive $3000-6000	3
Livestock Auction Markets; 8 Ill. Adm. Code 40	Expands	Negative	$ 0			None $ 0	1

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Animal Welfare Act; 8 Ill. Adm. Code 25	Expands	None	$ 0			None $ 0	1
Animal Control Act; 8 Ill. Adm. Code 30	Expands	Positive $ Not Given	$ 0			None $ 0	2
Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125	Expands						
Department of Commerce and Community Affairs							
Enterprise Zone Program; 14 Ill. Adm. Code 520	Expands	Positive $ Not Given	$ 0	No	No $ 0	None $ 0	0
Emergency Shelter Grants Program; 47 Ill. Adm. Code 160	New	Positive $ 950,000	$ 950,000			None $ 0	0
Training Services for the Disadvantaged; 56 Ill. Adm. Code 2610	Clarifies					None $ 0	0
Environmental Protection Agency							
Procedures for Payment of Special Waste Hauling Permit Application Fees; 35 Ill. Adm. Code 857	Expands	Negative $ Not Given	$ 0	Yes	Yes $ 2160	Negative $60,000	0
Illinois State Scholarship Commission							
Guaranteed Loan Programs; 23 Ill. Adm. Code 1720	Expands	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Insurance							
Credit Life and Credit Accident and Health Insurance Rules; 50 Ill. Adm. Code 951	New	Positive or Negative	$ 0				
Local Governmental Law Enforcement Officer Training Board							
Illinois Police Training Act; 20 Ill. Adm. Code 1720	Expands						
Department of Nuclear Safety							
Standards for Selection of Contractors; 92 Ill. Adm. Code 605	New	Negative $ 50,000	$ 0		None $ 0	0	
Department of Public Aid							
Aid to the Aged, Blind or Disabled(Citizenship); 89 Ill. Adm. Code 113.10	Expands	None	$ 0				
Aid to Families with Dependent Children (Citizenship); 89 Ill. Adm. Code 112.10	Expands	None	$ 0				
Medical Assistance Programs (Citizenship); 89 Ill. Adm. Code 120.310	Expands	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
General Assistance (Citizenship); 89 Ill. Adm. Code 114	Expands	None	$ 0				
Medical Payment; 89 Ill. Adm. Code 140	Expands	Positive $ Not Given	$ 0			None $ 0	0
Department of Public Health							
Ambulatory Surgical Treatment Center Licensing Requirements; 77 Ill. Adm. Code 205	Clarifies	None	$ 0	No	Not Requested	None $ 0	0
Department of Rehabilitation Services							
Closure; 89 Ill. Adm. Code 617	Expands						
Eligibility; 89 Ill. Adm. Code 552	Expands						
Program Description; 89 Ill. Adm. Code 675	Clarifies						
Definition of Terms; 89 Ill. Adm. Code 825	Clarifies						
Maintenance; 89 Ill. Adm. Code 602	Clarifies	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Role of Residential Educational Facilities Operated by the Illinois Department of Rehabilitation Services; 89 Ill. Adm. Code 750	Clarifies						
Special Education Instruction Program; 89 Ill. Adm. Code 770	Clarifies						
Surrogate Parents; 89 Ill. Adm. Code 805	Expands						
Vocational Programs; 89 Ill. Adm. Code 780	Clarifies						
Department of Revenue							
Income Tax Regulations; 86 Ill. Adm. Code 100	Expands	None	$ 0			None $ 0	0
Department of Transportation							
Minimum Safety Standards for Construction of Type II School Buses; 92 Ill. Adm. Code 442	Clarifies	None	$ 0				
Department of Veterans' Affairs							
Admission to and Discharge from Illinois Veterans Home; 95 Ill. Adm. Code 107	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Duties of the Superintendent of the Illinois veterans' Home; 95 Ill. Adm. Code 106	Clarifies						
Survivors Compensation Act Program; 95 Ill. Adm. Code 120	New	Positive $ 15,000	$ 15,000				
Rules Governing Payment for Cartage and Erection of Headstone, Marker, or Memorial Marker; 95 Ill. Adm. Code 102	Expands	Positive $ 111,265	$ 0			None $ 0	0
Department of Agriculture							
Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)	Expands						
Illinois Commerce Commission							
Annual Gross Revenue Return G.O. 191; 83 Ill. Adm. Code 270 (Emergency)	Expands						
Department of Central Management Services							
Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Environmental Protection Agency							
General Conditions of Grants for the Financing and Construction of Public Water Supply Facilities; 35 Ill. Adm. Code 661 (Emergency)	New						
Procedures for Issuing Grants for the Financing and Construction of Public Water Supply Facilities; 35 Ill. Adm. Code 660 (Emergency)	New						
Department of Nuclear Safety							
Accrediting Persons in the Practice of Medical Radiation Technology; 32 Ill. Adm. Code 401 (Emergency)	Expands						
Department of Public Aid							
Drug Manual; 89 Ill. Adm. Code 141 (Emergency)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
February							
Department of Agriculture							
Farmland Preservation Act; 8 Ill. Adm. Code 700	Clarifies	None	$ 0	No	No $ 0	None $ 0	0
Weights and Measures Act; 8 Ill. Adm. Code 600	Clarifies	Negative $ 63,385	$ 0	No	No $ 0	None $ 0	1
Capital Development Board							
Illinois Accessibility Code, Repeal of; 71 Ill. Adm. Code 400	Clarifies						
Department of Central Management Services							
Merit and Fitness; 80 Ill. Adm. Code 302	New	Positive $ Not Given	$ 0				
Pay Plan; 80 Ill. Adm. Code 310	Expands	Positive $ 912,329	$ 2,430				
Pay Plan; 80 Ill. Adm. Code 310	Expands	Positive $ Not Given	$ 0				
Department of Conservation							
Sale of Tree and Shrub Seedlings; 17 Ill. Adm. Code 1540	Expands	Positive $ 175,000	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Sport Fishing Regulations for the Waters of Illinois; 17 Ill. Adm. Code 810	Expands	None	$ 0				
The Taking of Wild Turkeys - Spring Season; 17 Ill. Adm. Code 710	Expands	None	$ 7,500				
Department of Corrections							
Funds of Committed Persons; 20 Ill. Adm. Code 205	Clarifies						
Criminal Justice Information Authority							
Procedures for Approving the Form and Manner of Reporting Arrest, Charge and Disposition Information to the Department of State Police; 20 Ill. Adm. Code 1550	New	None	$ 0	No	No $ 0		
Emergency Services and Disaster Agency							
Emergency Planning and Community Right-To-Know; 29 Ill. Adm. Code 620	New	Negative $ Not Given	$ 0	Yes	Yes $ 500-3500	Negative Not Given	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Environmental Protection Agency							
Procedures for Operation of the Hazardous Waste Fee System; 35 Ill. Adm. Code 855	Clarifies	Positive $ Not Given	$ 0	No	No $ 0	None $ 0	0
Water Supply Operator Certification; 35 Ill. Adm. Code 680	Expands	Negative $ Not Given	$ 0			None $ 0	0
Illinois Commerce Commission							
Investigation and Suspension of Rates; 92 Ill. Adm. Code 1206	Clarifies						
Illinois Community College Board							
Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501	Clarifies						
Illinois Health Care Cost Containment Council							
Data Collection; 77 Ill. Adm. Code 2510	Expands	Positive $ Not Given	$ 0	No	Yes $ 0	None $ 0	0
Data Collection; 77 Ill. Adm. Code 2510	Expands	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Penalties; 77 Ill. Adm. Code 2540	Expands	None				None $ 0	0
Illinois Racing Board							
Security Barns; 11 Ill. Adm. Code 436	New	None	$ 45,000			None $ 0	0
Department of Insurance							
Workers' Compensation Experience Reporting Rule; 50 Ill. Adm. Code 2903	New	None	$ 0				
Minimum Standards of Individual Accident and Health Insurance; 50 Ill. Adm. Code 2007	Expands	Negative $ Not Given	$ 0				
Department of Nuclear Safety							
Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation; 32 Ill. Adm. Code 606	New	None	$ 0	No	No $ 0	None $ 0	0
Pollution Control Board							
Major Stationary Sources Construction and Modification; 35 Ill. Adm. Code 203	Clarifies	Positive $ Not Given	$ 0	No	No $ 0		

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Aid							
Medical Payment (Mental Health Clinic Services); 89 Ill. Adm. Code 140	Expands	Positive $ 258,000	$ 0	No	No $ 0	None $ 0	0
General Assistance (Non-Financial Factors of Eligibility); 89 Ill. Adm. Code 114	Expands	Positive $ 0	$ 15,200,000				
Aid to the Aged, Blind or Disabled (Residence); 89 Ill. Adm. Code 113.20	Expands	Positive $ Not Given	$ 0				
Aid to Families with Dependent Children (Residence); 89 Ill. Adm. Code 112.20	Expands	Positive $ Not Given	$ 0				
Medical Assistance Programs (Residence, Exempt Unearned Income); 89 Ill. Adm. Code 120	Expands	Positive $ Not Given	$ 0				
Medical Payment (Medical Assistance Programs); 89 Ill. Adm. Code 140	Expands	Positive $ Not Given	$ 0				
Medical Payment (Medical Assistance Provided to Incarcerated Persons); 89 Ill. Adm. Code 140.10	Expands	None	$ 0	Not Submitted	No $ 0		

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Medical Payment (Reviews); 89 Ill. Adm. Code 140.529	Clarifies	None	$ 0			None $ 0	0
Medical Payment (Bed Reserves); 89 Ill. Adm. Code 140.523	Clarifies	None	$ 0			None $ 0	0
Aid to Families with Dependent Children (Project Chance Employment Child Care); 89 Ill. Adm. Code 112.83	Expands	Positive $ 1,200	$ 4,200,000			None $ 0	0
General Assistance (Project Chance Employment Child Care); 89 Ill. Adm. Code 114.140	Expands	Positive $ 0	$ 2,100,000			None $ 0	0
Aid to Families with Dependent Children (Project Chance); 89 Ill. Adm. Code 112.74, 112.76	Clarifies	Positive $ Not Given	$ 0				
Aid to Families with Dependent Children (Project Chance Supportive Sources); 89 Ill. Adm. Code 112.82	Expands	Positive $ 186,000	$ 0				
Aid to the Aged, Blind or Disabled (Exempt Assets); 89 Ill. Adm. Code 113.41	Expands	None	$ 0				
Special Eligibility Groups; 89 Ill. Adm. Code 118	Expands	Positive $ Not Given	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
General Assistance (Education Benefits); 89 Ill. Adm. Code 114	Clarifies	Positive $ Not Given	$ 0				
Department of Rehabilitation Services							
Identification, Evaluation, and Placement of Exceptional Children; 89 Ill. Adm. Code 795	Expands	None	$ 0				
Evaluation of Special Education; 89 Ill. Adm. Code 820	Expands						
Impartial Due Process Hearing; 89 Ill. Adm. Code 800	Expands	None	$ 0				
State-Operated or Private Programs; 89 Ill. Adm. Code 790	Clarifies						
The Applicant Assistance Unit; 89 Ill. Adm. Code 870	New						
Closure; 89 Ill. Adm. Code 617	Clarifies	None	$ 0				
Medical, Psychological, and Related Services; 89 Ill. Adm. Code 587	Clarifies	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Revenue							
Retailers' Occupation Tax Regulations; 86 Ill. Adm. Code 130	Expands	None	$ 0	No	Not Submitted	None $ 0	0
Income Tax Regulations; 86 Ill. Adm. Code 100	Clarifies	None	$ 0				
Secretary of State							
Department of Personnel; 80 Ill. Adm. Code 420	Expands	None	$ 0				
Department of Transportation							
Vending Machines in Rest Areas; 92 Ill. Adm. Code 534	New	Positive $ 1,500,000	$ 6,000				
Department of Agriculture							
Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)	Clarifies						
Attorney General							
Franchise Disclosure Act; 14 Ill. Adm. Code 200 (Emergency)	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Central Management Services							
Pay Plan; 80 Ill. Adm. Code 310 (Emergency)	Expands						
Illinois Commerce Commission							
Uniform System of Accounts for Telephone Utilities, Repeal of; 83 Ill. Adm. Code 710 (Emergency)	Clarifies						
Cost Allocation for Large Local Exchange Carriers; 83 Ill. Adm. Code 711 (Emergency)	New						
Uniform System of Accounts for Telecommunications Carriers; 83 Ill. Adm. Code 710 (Emergency)	New						
Cost Allocation for Small Local Exchange Carriers; 83 Ill. Adm. Code 712 (Emergency)	New						
Relocation Towing; 92 Ill. Adm. Code 1710 (Peremptory)	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Employment Security							
Determination of Unemployment Contributions; 56 Ill. Adm. Code 2770 (Emergency)	Expands						
Notices, Records, Reports; 56 Ill. Adm. Code 2760 (Emergency)	Expands			No	No $ 0		
Payment of Unemployment Contributions, Interest and Penalties; 56 Ill. Adm. Code 2765 (Emergency)	Expands						
Recovery of Benefits; 56 Ill. Adm. Code 2835 (Emergency)	Expands						
Department of Professional Regulation							
Medical Practice Act of 1987; 68 Ill. Adm. Code 280 (Emergency)	New						
Optometric Practice Act of 1987; 68 Ill. Adm. Code 1320 (Emergency)	Expands						
Professional Boxing and Wrestling Act; 68 Ill. Adm. Code 370 (Emergency)	New						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Aid							
Child Support Enforcement; 89 Ill. Adm. Code 160 (Emergency)	Expands						
Aid to Families with Dependent Children; 89 Ill. Adm. Code 112 (Emergency)	New						
Food Stamps; 89 Ill. Adm. Code 121 (Emergency)	Expands						
Medical Payment; 89 Ill. Adm. Code 140 (Emergency)	Expands						
Department of Public Health							
Aids Confidentiality and Testing Code; 77 Ill. Adm. Code 697	New			Maybe	No $ 0		
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790 (Emergency)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Savings and Loan Commissioner							
Illinois Savings and Loan Act of 1985; 38 Ill. Adm. Code 400 (Emergency)	Expands						
April							
Department of Agriculture							
Insect Pest and Plant Disease Act; 8 Ill. Adm. Code 240	Expands	Negative $ 500	$ 0			Negative $ 20,000	1
Illinois Seed Law; 8 Ill. Adm. Code 230	Expands	Negative $ 16,621	$ 0			None $ 0	1
Attorney General							
Franchise Disclosure Act; 14 Ill. Adm. Code 200	Clarifies	Positive $ Not Given	$ 0			None $ 0	0
Commissioner of Banks and Trust Companies							
Lending Limits; 38 Ill. Adm. Code 330	Expands	None	$ 0			None $ 0	0
Capital Development Board							
Procurement Practices; 44 Ill. Adm. Code 910	Clarifies	None	$ 0			Positive $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Commerce and Community Affairs							
Review and Appeal Procedures; 47 Ill. Adm. Code 10	New	None	$ 0				
Enterprise Zone Program; 14 Ill. Adm. Code 520	Expands	None	$ 0			None $ 0	0
Illinois Commerce Commission							
Annual Gross Revenue Return (G.O. 191); 83 Ill. Adm. Code 270	Expands	None	$ 2,400,000			None $ 0	0
Uniform System of Accounts for Telephone Utilities, Repeal of; 83 Ill. Adm. Code 710	Repeals					None $ 0	0
Department of Conservation							
White-Tailed Deer Hunting By Use of Firearms; 17 Ill. Adm. Code 650	Clarifies	None	$ 33,500				
Commercial Fishing in Lake Michigan; 17 Ill. Adm. Code 850	Expands	None	$ 0			None $ 0	
Department of Corrections							
Discipline and Grievances; 20 Ill. Adm. Code 504	Clarifies	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Criminal Justice Information Authority							
Operating Procedures for the Administration of Federal Funds; 20 Ill. Adm. Code 1520	Expands	None	$ 536,000				
State Board of Elections							
Voting Accessibility for the Elderly and Handicapped; 26 Ill. Adm. Code 209	Expands	Negative $ 8 Per Precinct	$ 0	Yes $ 8 Per Precinct	No	None $ 0	0
Environmental Protection Agency							
General Conditions of Grants for the Financing and Construction of Public Water Supply Facilities; 35 Ill. Adm. Code 661	New	Positive $ 7,000,000	$ 0			None $ 0	0
Procedures for Issuing Grants for the Financing and Construction of Public Water Supply Facilities; 35 Ill. Adm. Code 660	New	Positive $ 0	$ 0			None $ 0	0
Department of Financial Institutions							
Consumer Finance Act, Repeal of; 38 Ill. Adm. Code 100	Repeals	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Consumer Installment Loan Act; 38 Ill. Adm. Code 110	Expands					None $ 0	0
Credit Union Division; 38 Ill. Adm. Code 190	Clarifies	None	$ 0			None $ 0	0
Office of the State Fire Marshal							
Storage, Transportation, Sale and Use of Gasolines and Volatile Oils Rules and Regulations Relating to Service Stations; 41 Ill. Adm. Code 170	Clarifies	Positive $ Not Given	$ 0	No	No $ 0	None $ 0	0
Fire Prevention and Safety; 41 Ill. Adm. Code 100	Expands	None	$ 0	No	No $ 0	Positive $ 0	0
Fire Prevention and Safety, Repeal of; 41 Ill. Adm. Code 100	Repeals						
Department of Nuclear Safety							
Accrediting Persons in the Practice of Medical Radiation Technology; 32 Ill. Adm. Code 401	Expands	Positive $ 300,000	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Pollution Control Board							
Definitions and General Provisions; 35 Ill. Adm. Code 211	Clarifies	Negative $ 15,683,100	$ 0			None $ 0	0
Organic Material Emission Standards and Limitations; 35 Ill. Adm. Code 215	Expands	Negative $ 0	$ 0			None $ 0	0
Definitions and General Provisions; 35 Ill. Adm. Code 211	Clarifies	Negative $ Not Given	$ 0			None $ 0	0
Organic Material Emission Standards and Limitations; 35 Ill. Adm. Code 215	Expands	Negative $ 6,654- $ 16,426	$ 0			None $ 0	0
Effluent Standards; 35 Ill. Adm. Code 304	Expands	Positive $ 229,800	$ 0			None $ 0	0
Sulfur Limitations; 35 Ill. Adm. Code 214	Expands	None	$ 0			None $ 0	0
Department of Professional Regulation							
Real Estate Brokers and Salesman Licensing Act; 68 Ill. Adm. Code 450	Expands	None	$ 0			None $ 0	0
Physical Therapy License Act; 68 Ill. Adm. Code 340	Expands	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Aid							
Aid to the Aged, Blind or Disabled (Institutional Status); 89 Ill. Adm. Code 113.70	Clarifies	None	$ 0				
Medical Assistance Programs (Institutional Status); 89 Ill. Adm. Code 120.318	Clarifies	None	$ 0				
Aid to the Aged, Blind or Disabled (Payment Amounts); 89 Ill. Adm. Code 113	Expands	Positive $ 420 Per Person	$ 0			None $ 0	0
Drug Manual; 89 Ill. Adm. Code 141	Clarifies					None $ 0	0
Aid to Families with Dependent Children (Financial Factors of Eligibility); 89 Ill. Adm. Code 112	Expands	Positive $ Not Given	$ 0				
Aid to the Aged, Blind or Disabled (Financial Factors of Eligibility); 89 Ill. Adm. Code 113	Expands	Positive $ 250	$ 0				
General Assistance (Financial Factors of Eligibility); 89 Ill. Adm. Code 114	Expands	Positive $ 250	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Child Support Enforcement; 89 Ill. Adm. Code 160	Expands	Positive and Negative $ Not Given	$ 0				
Rules of Practice in Administrative Hearings; 89 Ill. Adm. Code 104	Expands	Negative $ Not Given	$ 0				
Food Stamps (Non Financial Factors of Eligibility); 89 Ill. Adm. Code 121	Clarifies	None	$ 0				
Aid to the Aged, Blind or Disabled (Deferral of Consideration of Assets); 89 Ill. Adm. Code 113.143	Expands	Positive $ 168 Per Person	$ 0				
Food Stamps; 89 Ill. Adm. Code 121	Expands	Positive and Negative $ Not Given	$ 0				
Special Eligibility Groups; 89 Ill. Adm. Code 118	New	Positive $ 782,976	$ 0				
Aid to Families with Dependent Children (Work Supplementation Program); 89 Ill. Adm. Code 112.98	New	Positive $ Not Given	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790	Clarifies	None	$ 0			None $ 0	0
Department of Rehabilitation Services							
Post-Employment Services; 89 Ill. Adm. Code 622	Expands	None	$ 0				
The Establishment and Administration of Special Education; 89 Ill. Adm. Code 765	Expands						
Responsibility for Special Education; 89 Ill. Adm. Code 760	Clarifies						
Special Transportation; 89 Ill. Adm. Code 815	Expands	None	$ 0				
Disability Hearings at the Reconsideration Level; 89 Ill. Adm. Code 853	Clarifies	None	$ 0				
Closure; 89 Ill. Adm. Code 617	Repeals						
Eligibility; 89 Ill. Adm. Code 552	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Closure; 89 Ill. Adm. Code 617	Expands						
Commissioner of Savings & Loan							
Repeal of Mortgage Bankers; 38 Ill. Adm. Code 450	Repeals						
Secretary of State							
Commercial Driver Training Schools; 92 Ill. Adm. Code 1060	Expands	None	$ 0			None $ 0	0
Rules of the Road-Handicapped Parking; 92 Ill. Adm. Code 1100	Expands	None	$ 0			None $ 0	0
Illinois State Scholarship Commission							
Congressional Teacher Scholarship Program; 23 Ill. Adm. Code 1762	Clarifies						
General Provisions; 23 Ill. Adm. Code 1700	Expands	None	$ 0				
Guaranteed Loan Programs; 23 Ill. Adm. Code 1720	Expands	None	$ 0				
Illinois National Guard/Naval Militia Grant; 23 Ill. Adm. Code 1730	Clarifies	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Illinois Veteran Grant (IVG) Program; 23 Ill. Adm. Code 1733	Clarifies	None	$ 0				
Merit Recognition Scholarship (MRS) Program; 23 Ill. Adm. Code 1761	Clarifies						
Monetary Award Program (MAP); 23 Ill. Adm. Code 1735	Expands	None	$ 0				
Department of Transportation							
Carriage by Public Highway; 92 Ill. Adm. Code 177	Clarifies					None $ 0	0
General Information, Regulations, and Definitions; 92 Ill. Adm. Code 171	Clarifies					None $ 0	0
Hazardous Materials Table and Hazardous Materials Communications; 92 Ill. Adm. Code 172	Clarifies					None $ 0	0
Shippers General Requirements for Shipments and Packagings; 92 Ill. Adm. Code 173	Clarifies					None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Shipping Container Specifications;92 Ill. Adm. Code 178	Clarifies					None $ 0	0
Specification for Tank Cars; 92 Ill. Adm. Code 179	Clarifies					None $ 0	0
Minimum Safety Standards for Construction of Type I School Buses; 92 Ill. Adm. Code 440	Clarifies					None $ 0	0
Illinois Valley Regional Airport Hazard Zoning Regulations; 92 Ill. Adm. Code 95	New	None	$ 0				
Department of Agriculture							
Groundwater Use Guidelines; 8 Ill. Adm. Code 675 (Emergency)	New			Yes	Yes $ 50,000		
Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)	Clarifies						
Department of Central Management Services							
Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Aid							
Special Eligibility Groups; 89 Ill. Adm. Code 118 (Emergency)	Expands						
Department of Public Health							
Asbestos Abatement for Public and Private Schools in Illinois; 77 Ill. Adm. Code 855 (Emergency)	Expands			Not Submitted	Not Submitted		
Commissioner of Savings and Loan Associations							
Repeal of Mortgage Bankers; 38 Ill. Adm. Code 450	Repeals						
Residential Mortgage License Act of 1987; 38 Ill. Adm. Code 450	Expands						
May							
Department of Agriculture							
Groundwater Use Guidelines; 8 Ill. Adm. Code 830	New	Negative $ 50,000	$ 0	Yes	Yes $ 50,000	Positive and Negative $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Alcoholism and Substance Abuse							
Driving Under the Influence Programs; 77 Ill. Adm. Code 2056	New	None	$ 0	No	Yes $ 0	None $ 0	0
Commissioner of Banks and Trust Companies							
Reimbursement to Banks for Financial Records; 38 Ill. Adm. Code 356	New	None	$ 0			None $ 0	0
Reduction in the Number of Required Director; 38 Ill. Adm. Code 357	New					None $ 0	0
Statutory Bad Debts; 38 Ill. Adm. Code 355	New	None	$ 0			None $ 0	0
Bank Branches; 38 Ill. Adm. Code 305	New					None $ 0	0
Capital Development Board							
Insurance and Surety Companies; 44 Ill. Adm. Code 1050	Clarifies	None	$ 0			None $ 0	0
Prequalification and Suspension of Contractors; 44 Ill. Adm. Code 950	Clarifies	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Bonding Guidelines; 71 Ill. Adm. Code 50	Clarifies	None	$ 0			None $ 0	0
Carnival Amusement Safety Board							
Carnival and Amusement Ride Inspection Law; 56 Ill. Adm. Code 6000	Expands	Negative $ 600,000	$ 0			Negative $ 1250	0
Department of Central Management Services							
Marking, Inventory, Transfer and Disposal of State-Owned Personal Property; 44 Ill. Adm. Code 5010	Expands	Positive $ 100,000	$ 0				
Auto Liability; 80 Ill. Adm. Code 3100	New	None	$ 0				
Illinois Commerce Commission							
Agents for Service of Process; 92 Ill. Adm. Code 1207	Clarifies					None $ 0	0
Cost Allocation for Large Local Exchange Carriers; 83 Ill. Adm. Code 711	New	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Cost Allocation for Small Local Exchange Carriers; 83 Ill. Adm. Code 712	New	None	$ 0			None $ 0	0
Uniform System of Accounts for Telecommunications Carriers; 83 Ill. Adm. Code 710	New	Positive and $ Negligible	$ 0			None	0
Department of Corrections							
County Jail Standards; 20 Ill. Adm. Code 701	Clarifies	None	$ 0	No	Yes $ 0		
County Juvenile Detention Standards; 20 Ill. Adm. Code 702	Clarifies	None	$ 0	No	Yes $ 0		
County Shelter Care Standards; 20 Ill. Adm. Code 703	Clarifies	None	$ 0				
Municipal Jail and Lockup Standards; 20 Ill. Adm. Code 720	New	None	$ 0				
Rights and Privileges; 20 Ill. Adm. Code 525	Clarifies	Negative $ 25-50 Per Person	$ -32,000				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
State Board of Education							
Evaluation of Certified School District Employees in Contractual Continued Service; 23 Ill. Adm. Code 50	Clarifies						
Department of Employment Security							
Determination of Unemployment Contributions; 56 Ill. Adm. Code 2770	Clarifies	None	$ 0	No	No $ 0	None $ 0	0
Experimental Organ Transplantation Procedures Board							
Experimental Organ Transplantation Program; 77 Ill. Adm. Code 2800	Clarifies	Positive $ Not Given	$ 0	No $ 0	Not Requested	None $ 0	0
Illinois Farm Development Authority							
Illinois Farm Development Authority; 8 Ill. Adm. Code 1400	Clarifies	Negative $ Not Given	$ 0			None $ 0	0
Department of Insurance							
Fees for Various Certificates Under Section 408, Repeal of; 50 Ill. Adm. Code 2502	Repeals						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Surplus Line Business Requirements; 50 Ill. Adm. Code 2801	Expands	None	$ 0			None $ 0	0
Department of Mental Health and Developmental Disabilities							
Services Charges; 59 Ill. Adm. Code 106	Clarifies	Negative $ Not Given	$ 0				
Pollution Control Board							
Effluent Standards; 35 Ill. Adm. Code 304	Clarifies	Positive $ 270,000,000	$ 0	Yes $ 30,000,000	No	None $ 0	0
Water Quality Standards; 35 Ill. Adm. Code 302	Clarifies	Positive $ 0	$ 0	Yes $ 0	No	None $ 0	0
Water Use Designations and Site Specific Water Quality Standards; 35 Ill. Adm. Code 303	Clarifies	None	$ 0	No	No $ 0	None $ 0	0
Effluent Standards; 35 Ill. Adm. Code 304	Clarifies	Positive $ 44,000,000 -54,000,000	$ 0			None $ 0	0
Performance Criteria; 35 Ill. Adm. Code 306	Clarifies	Positive $ 0	$ 0			None $ 0	0
Department of Professional Regulation							
Professional Boxing and Wrestling Act; 68 Ill. Adm. Code 370	New	Negative $ 5000-10,000	$ 5000- $ 10,000			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Aid							
Medical Payment; 89 Ill. Adm. Code 140	Expands	Positive $ 2,600,000	$ 2,600,000			None $ 0	0
General Assistance (Citizenship); 89 Ill. Adm. Code 114	Expands	Positive $ Not given	$ 0				
Aid to Families with Dependent Children (Citizenship); 89 Ill. Adm. Code 112	Clarifies	None	$ 0				
Medical Assistance Programs (Special Needs Authorization); 89 Ill. Adm. Code 120	Expands	Positive $ Not Given	$ 0				
Aid to the Aged, Blind or Disabled (Citizenship); 89 Ill. Adm. Code 113	Expands	Positive $ Not Given	$ 0				
General Assistance; 89 Ill. Adm. Code 114	Expands	Negative $ Not Given	$ 0				
General Assistance (Project Advance); 89 Ill. Adm. Code 114	Clarifies	Positive $ Not Given	$ 0				
Aid to Families with Dependent Children (Project Advance); 89 Ill. Adm. Code 112	Clarifies	Positive $ Not Given	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Medical Payment (Special Requirements); 89 Ill. Adm. Code 104.97	Clarifies	None	$ 0			None $ 0	0
Aid to Families with Dependent Children (Redetermination of Eligibility); 89 Ill. Adm. Code 112.320	Clarifies						
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790	Expands	None	$ 0			None $ 0	0
Control of Communicable Diseases; 77 Ill. Adm. Code 690	Expands	None	$ 0	No	Yes $ 0	None $ 0	0
Clinical Laboratories and Blood Banks; 77 Ill. Adm. Code 450	Expands	None	$ 0	Yes	Yes $ 1000	None $ 0	0
The Blood Labeling Act; 77 Ill. Adm. Code 460	Expands	None	$ 0	No	No $ 0	None $ 0	0
Control of Sexually Transmissible Diseases; 77 Ill. Adm. Code 690	New						
AIDS Confidentiality and Testing Code; 77 Ill. Adm. Code 460	New	Negative $ 25-100 Per person	$ 0	Yes	No $ 0	None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Sperm Bank and Tissue Bank Code; 77 Ill. Adm. Code 470	Clarifies	Negative $ 187,600	$ 0	No	Yes $ 0	None $ 0	0
Food Service Sanitation; 77 Ill. Adm. Code 750	Clarifies					None $ 0	0
Grade A Pasteurized Milk and Milk Products; 77 Ill. Adm. Code 775	Clarifies	None	$ 0	No	Not Requested	None $ 0	0
Sanitation of Retail Food Stores; 77 Ill. Adm. Code 760	Clarifies					None $ 0	0
Department of Public Health/Health Facilities Planning Board							
Permit Application Fees; 77 Ill. Adm. Code 1190	Expands	Negative $ 50,000	$ 0	No	Yes $ 0	Negative $ 50,000	0
Department of Rehabilitation Services							
Admission and Discharge Procedures; 89 Ill. Adm. Code 755	Clarifies						
Rules of Conduct; 89 Ill. Adm. Code 827	Clarifies						
Application; 89 Ill. Adm. Code 557	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Commissioner of Savings and Loan							
Residential Mortgage License Act of 1987; 38 Ill. Adm. Code 450	Expands	Negative $ 931,300	$ 931,300			None $ 0	0
Secretary of State							
Public Library Construction Grants; 23 Ill. Adm. Code 3060	Expands	Positive $ Not Given	$ 0				
State Police Merit Board							
Procedures of the Department of State Police Merit Board; 80 Ill. Adm. Code 150	Clarifies						
Department of Transportation							
Disadvantaged, Minority and Woman-Owned Businesses; 92 Ill. Adm. Code 10	Expands	None	$ 0			None $ 0	0
Oversize and Overweight Permit Movements on State Highways; 92 Ill. Adm. Code 554	Clarifies						
Official Testing Stations; 92 Ill. Adm. Code 448	Expands	Negative $ 40,000	$ 0	Yes $ 76,947	No $ 0	None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Agriculture							
Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)	Clarifies						
Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)	Clarifies						
Department of Central Management Services							
Pay Plan; 80 Ill. Adm. Code (Peremptory)	Clarifies						
Illinois Racing Board							
Inter-Track Wagering Facilities; 11 Ill. Adm. Code 435 (Emergency)	New						
Department of Rehabilitation Services							
Sequential Evaluation Process for the Determination of Disability; 89 Ill. Adm. Code 845 (Peremptory)	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
June							
Department of Agriculture							
Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Declaratory Rulings; Public Disclosure); 8 Ill. Adm. Code 1	Clarifies					None $ 0	0
Department of Alcoholism and Substance Abuse							
Schedule of Controlled Substances; 77 Ill. Adm. Code 2070	Clarifies					None $ 0	0
Repeal of Driving Under the Influence Programs; 77 Ill. Adm. Code 2056	Repeals					None $ 0	0
Illinois Commerce Commission							
Uniform System of Accounts for Electric Utilities; 83 Ill. Adm. Code 415	Clarifies	None	$ 0			None $ 0	0
Minimum Safety Standards for Transportation of Gas and for Pipeline Facilities; 92 Ill. Adm. Code 1800	Clarifies					None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Illinois Community College Board							
Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501	Clarifies						
Department of Conservation							
Commercial Fishing and Musseling in Certain Waters of the State; 17 Ill. Adm. Code 830	Expands	Negative $ 12,000-$ 15,000	$ 0			None $ 0	0
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting Regulations; 17 Ill. Adm. Code 530	Clarifies						
Dove Hunting Regulations; 17 Ill. Adm. Code 730	Clarifies						
Duck, Goose and Coot Hunting Regulation; 17 Ill. Adm. Code 590	Expands						
General Hunting Regulations on Department-Owned or Managed Sites; 17 Ill. Adm. Code 510	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping Regulations; 17 Ill. Adm. Code 570	Clarifies						
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550	Expands						
Squirrel Hunting Regulations; 17 Ill. Adm. Code 690	Clarifies						
The Taking of Wild Turkeys Fall Archery Season; 17 Ill. Adm. Code 720	Clarifies						
White-Tailed Deer Hunting by Use of Bow and Arrow; 17 Ill. Adm. Code 670	Expands						
Woodcock, Snipe, Rail and Teal Hunting Regulations; 17 Ill. Adm. code 740	Clarifies						
Field Trials on Non-Department Owned or Managed Lands; 17 Ill. Adm. Code 930	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
White-Tailed Deer Hunting By Use of Firearms; 17 Ill. Adm. Code 650	Clarifies						
Department of Employment Security							
Determination of Unemployment Contributions; 56 Ill. Adm. Code 2770	Expands	None	$ 0	No	No $ 0		
Notices, Records, Reports; 56 Ill. Adm. Code 2760	New	Positive $ Not Given		No $ 0	No $ 0	None	0
Payment of Unemployment Contributions, Interest and Penalties; 56 Ill. Adm. Code 2765	Clarifies						
Recovery of Benefits; 56 Ill. Adm. Code 2835	Expands	None	$ 0			None $ 0	0
Illinois Development Finance Authority							
Employee Ownership Assistance Program; 14 Ill. Adm. Code 1230	Clarifies	None	$ 0				
Environmental Protection Agency							
Procedures for Issuing Solid Waste Planning and Enforcement Grants; 35 Ill. Adm. Code 870	Expands	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Office of the State Fire Marshal							
Boiler and Pressure Vessel Safety; 41 Ill. Adm. Code 120	Expands					None $ 0	0
Effluent Standards; 35 Ill. Adm. Code 304	Clarifies	Positive $ 2,000,000	$ 0			None $ 0	0
Water Quality Standards; 35 Ill. Adm. Code 302	Expands	Positive $ 0	$ 0	Yes	No $ 0	None $ 0	0
Hearings Pursuant to Specific Rules; 35 Ill. Adm. Code 106	New	None	$ 0	No	No $ 0	None $ 0	0
Visual and Particulate Matter Emissions; 35 Ill. Adm. Code 212	Clarifies	Positive $ Not Given	$ 0			None $ 0	0
Department of Professional Regulation							
Optometric Practice Act of 1987; 68 Ill. Adm. Code 1320	New	Negative $ 151,240	$ 151,420			Negative $ 190,000	0
The Illinois Nursing Act; 68 Ill. Adm. Code 1300	Clarifies						
Department of Public Aid							
Medical Payment (ICARE); 89 Ill. Adm. Code 140.952	Expands	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Medical Assistance Programs; 89 Ill. Adm. Code 120	Clarifies	None	$ 0	No $ 0	Not Requested		
Medical Payment; 89 Ill. Adm. Code 140	Expands	Positive $ 2,800,000	$ 400,000			None	0
Food Stamps; 89 Ill. Adm. Code 121	Expands	None	$ 0			None $ 0	0
Medical Assistance Programs; 89 Ill. Adm. Code 120	Clarifies	None	$ 0			None $ 0	0
Application Process; 89 Ill. Adm. Code 110	Expands	None	$ 0				
Medical Payment (Provider Voluntary Withdrawal); 89 Ill. Adm. Code 140.506	Expands	None	$ 0			None $ 0	0
General Assistance (Other Provisions) 89 Ill. Adm. Code 114.400	Expands	Positive $ Not Given	$ 0				
Department of Public Health							
Illinois Health and Hazardous Substances Registry; 77 Ill. Adm. Code 840	Expands	None	$ 0	No	Yes $ 0	None $ 0	0
Illinois Racing Board							
Teletrack Facilities; 11 Ill. Adm. Code 435	New	Positive $ Not Given	$ 90,000			None	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Revenue							
Income Tax Regulations; 86 Ill. Adm. Code 100	Clarifies					None $ 0	0
Secretary of State							
Issuance of Licenses; 92 Ill. Adm. Code 1030	New						
Dealers, Wreckers, Transporters and Rebuilders; 92 Ill. Adm. Code 1020	Expands	Positive $ Not Given	$ 0			Negative $ 0	0
Travel Regulation Council							
The Travel Regulation Council; 80 Ill. Adm. Code 3000	Clarifies	Positive $ Not Given	$ 0				
Department of Central Management Services							
Solicitation for Charitable Payroll Deductions; 80 Ill. Adm. Code 310 (Emergency)	New						
Pay Plan; 80 Ill. Adm Code 310 (Peremptory)	Expands						
Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)	Clarifies						
Department of Conservation							
Sport Fishing Regulations for the Waters of Illinois; 17 Ill. Adm. Code 810 (Emergency)	Clarifies						
Pollution Control Board							
Management of Scrap Tires; 35 Ill. Adm. Code 400 (Emergency)	New						
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790 (Emergency)	Clarifies						
Commissioner of Savings and Loan Associations							
Illinois Savings and Loan Act of 1985; 38 Ill. Adm. Code 400 (Emergency)	New						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
July							
Department of Agriculture							
Illinois Pesticide Act of 1979; 12 Ill. Adm. Code 250	Expands	None	$ 0			None $ 0	0
Department of Central Management Services							
Pay Plan; 80 Ill. Adm. Code 310	Clarifies	None	$ 0				
Standard Procurement; 44 Ill. Adm. Code 1	Expands	None	$ 0			None $ 0	0
State of Illinois Dependent Care Assistance Plan; 80 Ill. Adm. Code 2110	Clarifies	None	$ 0				
State of Illinois Medical Care Assistance Plan; 80 Ill. Adm. Code 2120	New	Positive $ 305,000	$ 0				
Department of Commerce and Community Affairs							
State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program; 47 Ill. Adm. Code 100	Clarifies	Positive $ Not Given	$ 0			None	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Illinois Community College Board							
Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501	Expands						
Department of Conservation							
Falconry and the Captive Propagation of Raptors; 17 Ill. Adm. Code 1590	Expands						
Department of Employment Security							
General Provisions; 56 Ill. Adm. Code 2960	New	Positive $ Not Given	$ 0			None $ 0	0
Administrative Hearings and Appeals; 56 Ill. Adm. Code 2725	Clarifies	None	$ 0			None $ 0	0
Environmental Protection Agency							
Establishing a Maximum Setback Zone for Community Water Supply Wells Under Sections 14.3(a), (b), & (c) of the Environmental Protection Act; 35 Ill. Adm. Code 671	New	Negative $ 1,000 Per Well	$ 0	No	No $ 0	None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Illinois Health Facilities Planning Board							
Processing, Classification Policies and Review Criteria; 77 Ill. Adm. Code 1200	Expands	None	$ 0	No Requested	Not $ 0	None	0
Public Notice of Opportunity for Public Hearing and Public Hearings Procedures; 77 Ill. Adm. Code 1200	Clarifies	None	$ 0			None $ 0	0
Narrative and Planning Policies; 77 Ill. Adm. Code 1100	Clarifies	None	$ 0	No	Not Requested		
Pollution Control Board							
Effluent Standards; 35 Ill. Adm. Code 304	Expands	Positive $ 9,000,000-$ 17,000,000	$ 0			None $ 0	0
Department of Public Aid							
Medical Assistance Programs (Assistance Standards); 89 Ill. Adm. Code 120	Expands	Positive $ 5 Per Person	$ 0			None $ 0	0
Medical Payment (QUIP); 89 Ill. Adm. Code 140.525	Clarifies	Positive $ 2,000,000	$ 75,000			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Food Stamps; 89 Ill. Adm. Code 121	Clarifies	Positive $ Not Given	$ 0				
Related Program Provisions; 89 Ill. Adm. Code 117	Clarifies	None	$ 0				
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790	Clarifies	None	$ 0			None $ 0	0
Hospital Licensing Requirements; 77 Ill. Adm. Code 250	Expands	None	$ 0	No	No $ 0	None $ 0	0
The Treatment of Sexual Assault Survivors; 77 Ill. Adm. Code 656	Expands	None	$ 0	No	Yes $ 0	None $ 0	0
Ambulatory Surgical Treatment Center Licensing Requirements; 77 Ill. Adm. Code 205	Clarifies	None	$ 0	No	No $ 0	None $ 0	0
Department of Rehabilitation Service							
Other Services; 89 Ill. Adm. Code 607	Expands	None	$ 0				
Disability Case Development Process; 89 Ill. Adm. Code 843	New	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Auxiliary Aids; 89 Ill. Adm. Code 540	Clarifies	None	$ 0				
Non-Academic Programs and Policies; 89 Ill. Adm. Code 830	Clarifies	Negative $ 20-30 Per Student	$ 12,500				
Secretary of State							
Dealers, Wreckers, Transporters and Rebuilders; 92 Ill. Adm. Code 1020	Clarifies	None	$ 0			None $ 0	0
Cancellation, Revocation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040	Clarifies						
Cancellation, Revocation or Suspension of License or Permits; 92 Ill. Adm. Code 1040	Expands						
State Universities Civil Service System							
State Universities Civil Service System; 80 Ill. Adm. Code 250	Clarifies	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Transportation							
Repeal of Control of Outdoor Advertising Sign Adjacent to the Federal Aid Primary System and the National System of Interstate and Defense Highways in Illinois; 92 Ill. Adm. Code 522	Repeals						
Control of Outdoor Advertising Sign Adjacent to the Federal Aid Primary System and the National System of Interstate and Defense Highways in Illinois; 92 Ill. Adm. Code 522	New	Negative $ 200 Per Permit	$ 0			None $ 0	0
Department of Central Management Services							
Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)	Clarifies						
Solicitation for Charitable Payroll Deductions, Repeal of; 80 Ill. Adm. Code 2650 (Emergency)	Repeals						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Conservation							
Designation of Restricted Waters in the State of Illinois; 17 Ill. Adm. Code 2030 (Emergency)	Expands						
Commissioner of Savings and Loan Associations							
Residential Mortgage License Act; 38 Ill. Adm. Code 450 (Emergency)	New						
Department of Public Aid							
Drug Manual; 89 Ill. Adm. Code 141 (Emergency)	Clarifies						
August							
Department of Agriculture							
Illinois Standardbred and Thoroughbred Horse Breeding and Racing Programs; 8 Ill. Adm. Code 290	Clarifies					None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Commerce and Community Affairs							
State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program; 47 Ill. Adm. Code 100	Expands	Positive and $ Not Given	$ 0			None $ 0	0
Uniform Fiscal and Administrative Standards for the Job Training Partnership Act; 56 Ill. Adm. Code 2630	Clarifies	None	$ 0			None $ 0	0
Enterprise Zone Program; 14 Ill. Adm. Code 520	Expands	Positive $ Not Given	$ 0			None $ 0	0
Illinois Commerce Commission							
Dual Party Relay Service; 83 Ill. Adm. Code 756	New	None	$ 0			None $ 0	0
Fees and Taxes; 92 Ill. Adm. Code 1205	Expands	Negative $ 640,250	$ 640,250			$ 0	None 0
State Board of Education							
Learning Assessment and School Improvement Plans; 23 Ill. Adm. Code 210	Clarifies						
Certification; 23 Ill. Adm. Code 25	Expands	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Employment Security							
Administrative Hearings; and Appeals; 56 Ill. Adm. Code 2725	New	None	$ 0			None $ 0	0
Claims, Adjudication, Appeals and Hearings; 56 Ill. Adm. Code 2720	Clarifies	None	$ 0			None $ 0	0
Wages; 56 Ill. Adm. Code 2730	Expands	Negative $ Not Given	$ 0			None $ 0	0
Department of Insurance							
Mid-Term Cancellations; 50 Ill. Adm. Code 940	Clarifies	None	$ 0				
Rules and Rate Filings; 50 Ill. Adm. Code 754	Expands	None	$ 0				
Pollution Control Board							
Solid Waste; 35 Ill. Adm. Code 807	Expands	Positive $ 154,600	$ 0				
Department of Public Aid							
Aid to Families with Dependent Children (Monthly Reporting); 89 Ill. Adm. Code 112	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Related Program Provisions; 89 Ill. Adm. Code 117	Repeals	Positive and None $ Not Given	$ 0				
Aid to the Aged, Blind or Disabled (Special Needs Authorizations); 89 Ill. Adm. Code 113.303	Expands	Positive $ Not Given	$ 0			None $ 0	0
General Assistance; 89 Ill. Adm. Code 114	Expands	Positive $ Not Given	$ 0			None $ 0	0
Aid to Families with Dependent Children; 89 Ill. Adm. Code 112	Expands	Positive $ Not Given	$ 0			None $ 0	0
Medical Payment; 89 Ill. Adm. Code 140	Expands	Positive $ 900,000	$ 900,000			None $ 0	0
Support Responsibility of Relatives; 89 Ill. Adm. Code 103	Clarifies						
Crisis Assistance; 89 Ill. Adm. Code 116	Clarifies	Positive and None $ Not Given	$ 0				
Drug Manual; 89 Ill. Adm. Code 141	Clarifies					None $ 0	0
Department of Public Health							
Asbestos Abatement for Public and Private Schools in Illinois; 77 Ill. Adm. Code 855	Expands	Negative $ 250,000	$ 0	No $ 0	Not Requested	None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Health Maintenance Organizations, Repeal of; 77 Ill. Adm. Code 240	Repeals			No $ 0	Not Requested	None $ 0	0
Minimum Health Care Standards for Health Maintenance Organizations; 77 Ill. Adm. Code 240	New	Negative $ 80,000	$ 0	No $ 0	Not Requested	None $ 0	0
Illinois Racing Board							
Outstanding Tickets, Repeal of; 11 Ill. Adm. Code 414	Repeals						
Department of Rehabilitation Services							
Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities; 89 Ill. Adm. Code 530	Expands	None	$ 0			None $ 0	0
Client Financial Participation; 89 Ill. Adm. Code 562	Expands	Positive $ Not Given	$ 0				
Program Description; 89 Ill. Adm. Code 675	Expands	None	$ 0				
Department of Revenue							
Alcoholic Liquor-Hearings, Repeal of; 86 Ill. Adm. Code 425	Repeals					None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Cigarette Tax Act-Hearings, Repeal of; 86 Ill. Adm. Code 445	Repeals					None $ 0	0
Cigarette Use Tax Act-Hearings, Repeal of; 86 Ill. Adm. Code 455	Repeals					None $ 0	0
Income Tax Regulations; 86 Ill. Adm. Code 100	Clarifies	None	$ 0			Negative $ 0	0
Practice and Procedures for Hearings Before the Illinois Department of Revenue; 86 Ill. Adm. Code 200	New	None	$ 0	No	No $ 0	Negative $ 0	0
Property Tax/Revenue Act of 1939; 86 Ill. Adm. Code 110	Clarifies	None	$ 0	No	No $ 0	Negative $ 0	0
Retailers' Occupation Tax Hearings, Repeal of; 86 Ill. Adm. Code 200	Repeals					None $ 0	0
Cannabis and Controlled Substances Tax Act; 86 Ill. Adm. Code 428	New	Negative $ Not Given	$ 0				
Commissioner of Savings and Loan Associations							
Illinois Savings and Loan Act of 1985; 38 Ill. Adm. Code 400	New	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Secretary of State							
Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010	Expands	None	$ 0			None $ 0	0
Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010	New	None	$ 0				
Collection of Fees; 92 Ill. Adm. Code 1003	New	None	$ 0			None $ 0	0
Cancellation, Revocation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040	Expands						
Teachers' Retirement System							
The Administration and Operation of the Teachers' Retirement System; 80 Ill. Adm. Code 1650	Clarifies	None	$ 0				
Department of Transportation							
Local Rail Service Assistance Program; 92 Ill. Adm. Code 810	New	Positive $ 32,000,000	$ 0	No	No $ 0	Positive $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Alcoholism and Substance Abuse							
Subacute Alcoholism and Substance Abuse Treatment Services; 77 Ill. Adm. Code 2090 (Emergency)	Expands						
Department of Central Management Services							
State of Illinois Dependent Care Assistance Plan; 80 Ill. Adm. Code 2110 (Emergency)	Clarifies						
State of Illinois Medical Care Assistance Plan; 80 Ill. Adm. Code 2120 (Emergency)	New						
Department of Conservation							
Sport Fishing Regulations for the Waters of Illinois; 17 Ill. Adm. Code 810 (Emergency)	Expands						
Designation of Restricted Waters in the State of Illinois; 17 Ill. Adm. Code 2030 (Emergency)	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Illinois Commerce Commission							
Non-Relocation Towing; 92 Ill. Adm. Code 1470 (Peremptory)	Clarifies						
Department of Professional Regulation							
Medical Practice Act of 1987; 68 Ill. Adm. Code 1280 (Emergency)	New						
Department of Public Aid							
Medical Assistance Programs; 89 Ill. Adm. Code 120	Expands						
Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113 (Emergency)	Expands						
Medical Assistance Programs; 89 Ill. Adm. Code 120 (Emergency)	Expands						
Medical Payment; 89 Ill. Adm. Code 140 (Emergency)	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790 (Emergency)	Clarifies						
Department of Revenue							
Pull Tabs and Jar Games Act; 86 Ill. Adm. Code 432 (Emergency)	New						
September							
Department of Agriculture							
Weights and Measures Act; 8 Ill. Adm. Code 600	Expands	None	$ 0			None $ 0	0
State Banking Board of Illinois							
Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank; 38 Ill. Adm. Code 900	Clarifies						
Commissioner of Banks and Trust Companies							
Electronic Funds Transfers 38 Ill. Adm. Code 900	Expands	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Lending Limits; 38 Ill. Adm. Code 330	Clarifies						
Illinois Commerce Commission							
Energy Assistance 83 Ill. Adm. Code 281	Clarifies	None	$ 0	No	No $ 0	None $ 0	0
Department of Commerce and Community Affairs							
State Administration of the Federal Community Services Block Grant Program; 47 Ill. Adm. Code 120	Clarifies					None $ 0	0
Illinois Community College Board							
Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501	Clarifies						
Department of Conservation							
Timber Harvest Fees; 17 Ill. Adm. Code 1535	New	None	$ 0			None $ 0	0
Designation of Restricted Waters in the State of Illinois; 17 Ill. Adm. Code 2030	Clarifies						
Sport Fishing Regulations for the Waters of Illinois; 17 Ill. Adm. Cod 810	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Employment Security							
Disqualifying Income and Reduced Benefits; 56 Ill. Adm. Code 2920	Clarifies	Positive $ Not Given	$ 0			None $ 0	0
Payment of Unemployment Contributions, Interest and Penalties; 56 Ill. Adm. Code 2765	New	None	$ 0			Not Submitted	
Administrative Hearings and Appeals; 56 Ill. Adm. Code 2725	Clarifies	None	$ 0				
Notices, Records, Reports; 56 Ill. Adm. Code 2760	Clarifies						
Environmental Protection Agency							
General Procedures for Testing, Repeal of; 35 Ill. Adm. Code 283	Repeals						
Policy for Granting Permission to Operate During Periods of Excess Emission, Repeal of; 35 Ill. Adm. Code 260	Repeals						
Procedures for Determining and Protecting Confidential Information; 35 Ill. Adm. Code 161	Repeals						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Procedures for Measuring Emissions of Carbon Monoxide from Stationary Sources, Repeal of; 35 Ill. Adm. Code 277	Repeals						
Procedures for Measuring Emission of Particulate Matter from Stationary Sources, Repeal; 35 Ill. Adm. Code 263	Repeals						
Self-Monitoring and Reporting by Sources of Air Pollution, Repeal of; 35 Ill. Adm. Code 285	Repeals						
State Remedial Action Priorities List; 35 Ill. Adm. Code 860	Expands	None	$ 0	No	No $ 0	None $ 0	0
Department of Financial Institutions							
Illinois Credit Union Act; 38 Ill. Adm. Code 190	Clarifies						
The Formulation and Issuance of Schedules of Maximum Rates for Check Cashing and the Writing of Money Orders of Community and Ambulatory Exchanges; 38 Ill. Adm. Code 125	Clarifies						
Sales Finance Agency Act; 38 Ill. Adm. Code 160	Clarifies	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Insurance							
Group Coordination of Benefits; 50 Ill. Adm. Code 2009	Expands	None	$ 0				
Letters of Credit; 50 Ill. Adm. Code 1102	New	None	$ 0				
Department of Labor							
Health and Safety; 56 Ill. Adm. Code 350	Clarifies	Positive $ 2,000,000	$ 0	No $ 0	No Determination	None $ 0	0
Illinois Liquor Control Commission							
The Illinois Liquor Control Commission; 11 Ill. Adm. Code 100	Expands	None	$ 0			None $ 0	0
Pollution Control Board							
Sulfur Limitations; 35 Ill. Adm. Code 214	Clarifies	None	$ 0			None $ 0	0
Department of Professional Regulation							
Certified Shorthand Reporters Act; 68 Ill. Adm. Code 1200	Expands	Negative $ 50,000	$ 0			None $ 0	0
Pharmacy Practice Act; 68 Ill. Adm. Code 1330	Expands	Negative $ Not Given	$ 1027			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Aid							
Collections and Recoveries; 89 Ill. Adm. Code 165	Clarifies	Positive $ Not Given	$ 0				
Related Program Provisions; 89 Ill. Adm. Code 117	Expands	Negative $ Not Given	$ 0				
Medical Payment; 89 Ill. Adm. Code 140	Expands	Positive $ 2,900,000	$ 2,900,000			No Determination	0
Medical Payment; 89 Ill. Adm. Code 140	Clarifies	Positive $ Not Given	$ 0			None $ 0	0
Medical Payment; 89 Ill. Adm. Code 140	Clarifies	None	$ 0				
General Assistance; 89 Ill. Adm. Code 114	Clarifies	Positive $ Not Given	$ 0				
Department of Public Health							
Minimum Standards for Classification and Licensure of Intermediate Care Facilities for the Developmentally Disabled; 77 Ill. Adm. Code 350	Clarifies	None	$ 0	No $ 0	Not Requested	None $ 0	0
Minimum Standards for Classification and Licensure of Sheltered Care Facilities; 77 Ill. Adm. Code 330	Clarifies	None	$ 0	No $ 0	Not Requested	None $ 0	0
Long-Term Care for Under Age 22; 77 Ill. Adm. Code 390	Clarifies	None	$ 0 $ 0	No Requested	Not $ 0	None	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Minimum Standards Classification and Licensure of Skilled Nursing Facilities and Intermediate Care Facilities; 77 Ill. Adm. Code 300	Clarifies	None	$ 0	No $ 0	Not Requested	None $ 0	0
Hospital Licensing Requirements; 77 Ill. Adm. Code 250	Expands						
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790	Clarifies	None	$ 0	No $ 0	Not Requested	None $ 0	0
Department of Rehabilitation Services							
Medical Improvement Review Standard for Continuing Disability; 89 Ill. Adm. Code 850	Clarifies	None	$ 0				
Commissioner of Savings and Loan Associations							
Residential Mortgage License Act of 1987; 38 Ill. Adm. Code 450	New	Negative $ 500	$ 0			None $ 0	0
Secretary of State							
Uniform Commercial Code; 14 Ill. Adm. Code 180	New	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Cancellation, Revocation or Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040	Expand						
Issuance of Licenses; 92 Ill. Adm. Code 1030	Clarifies						
Cancellation, Revocation and Suspension of Licenses or Permits; 92 Ill. Adm. Code 1040	Clarifies						
Department of State Police							
Missing Persons Birth Records and School Registration; 20 Ill. Adm. Code 1290	New	None	$ 0	Yes	Yes $ 0		
Missing Person Notification; 20 Ill. Code 1291	New						
Department on Aging							
Older American Act Programs; 89 Ill. Adm. Code 230 (Emergency)	New						
Department of Central Management Services							
Pay Plan; 80 Ill. Adm. Code 310 (Emergency)	Clarifies						
Pay Plan; 80 Ill. Adm. Code 310 (Emergency)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)	Clarifies						
Department of Public Aid							
Medical Assistance Program; 89 Ill. Adm. Code 120 (Emergency)	Clarifies						
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790 (Emergency)	Clarifies						
October							
Capital Development Board							
Selection of Architects/Engineers (A/E); 44 Ill. Adm. Code 1000	Expands						
Department of Central Management Services							
Service-Connected Days Benefit Administration; 80 Ill. Adm. Code 2150	New	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Commerce and Community Affairs							
Metropolitan Civic Center Support Program; 14 Ill. Adm. Code 500	Clarifies					None $ 0	0
Illinois Community College Board							
Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501	Expands	None	$ 0	No	Yes $ 0		
Department of Employment Security							
Determination of Unemployment Contributions Act; 56 Ill. Adm. Code 2770	Expands	None	$ 0			Not Submitted	
Illinois Health Care Cost Containment Council							
Hospital Price Information; 77 Ill. Adm. Code 2530	Clarifies	None	$ 0	No	Yes $ 0	None $ 0	0
Board of Higher Education							
Higher Education Cooperation Act; 23 Ill. Adm. Code 1010	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Illinois State & Local Labor Relations Boards							
General Procedures; 80 Ill. Adm. Code 1200	Clarifies					None $ 0	0
Impasse Resolution; 80 Ill. Adm. Code 1230	Clarifies	None	$ 0	No	No $ 0	None $ 0	0
Representation Proceedings; 80 Ill. Adm. Code 1210	Clarifies	None	$ 0				
Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1220	Expands					None $ 0	0
Department of Mental Health and Developmental Disabilities							
Services Charges; 59 Ill. Adm. Code 106	Clarifies	None	$ 0				
Department of Nuclear Safety							
Accrediting Persons in the Practice of Medical Radiation Technology; 32 Ill. Adm. Code 401	Expands	None	$ 0			None $ 0	0
Requirements for the Disposal of Low-Level Radioactive Waste Away From the Point of Generation; 32 Ill. Adm. Ill. Adm. Code 606	Clarifies					None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Pollution Control Board							
Sulfur Limitations; 35 Ill. Adm. Code 214	Clarifies	Negative $ 1,000,000	$ 0			None $ 0	0
Effluent Standards; 35 Ill. Adm. Code 304	Clarifies						
Organic Material Emission Standards and Limitation; 35 Ill. Adm. Code 215	Clarifies	Positive $ 1,575,000	$ 0			None $ 0	0
Department of Professional Regulation							
Barber and Cosmetology Act of 1985; 68 Ill. Adm. Code 175	New	Negative $ Not Given	$ 0			None $ 0	0
Beauty Culture Act, Repeal of; 68 Ill. Adm. Code 180	Repeals					None $ 0	0
Illinois Barber Law, Repeal of; 68 Ill. Adm. Code 170	Repeals					None $ 0	0
Department of Public Aid							
Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113	Expands	Positive $ 500,000	$ 0			None $ 0	0
Medical Payment (Transplants); 89 Ill. Adm. Code 450	Expands	None	$ 0				

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Collections and Recoveries 89 Ill. Adm. Code 165	Clarifies	Negative $Not Given	$ 0				
Medical Assistance Programs; 89 Ill. Adm. Code 120	Expands	Positive $ 2,700,000	$ 2,700,000				
Medical Payment; 89 Ill. Adm. Code 140.2, 140.3, 140.7 and 140.9	Expands	Positive $ 0	$ 0				
Child Support Enforcement; 89 Ill. Adm. Code 160	Clarifies	Positive & Negative $ Not Given	$ 0				
Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113	Expands	None	$ 0				
Medical Assistance Program; 89 Ill. Adm. Code 120	Expands	Positive $ Not Given	$ 64,800			Not Submitted	
Department of Public Health							
Emergency Medical Services; 77 Ill. Adm. Code 535	Clarifies	Negative $ Not Given	$ 4,000	No	No $ 0	None $ 0	0
Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs; 77 Ill. Adm. Code 510	Expands	None	$ 0	No	No $ 0	None $ 0	0
Toxic Art Supplies Code; 77 Ill. Adm. Code 848	New	None	$ 0	No	No $ 0	None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Trauma Nurse Specialist Course Code; 77 Ill. Adm. Code 542	New	Negative $ 12,000	$ 0	No	No $ 0	None $ 0	0
Department of Rehabilitation Services							
Advisory Councils; 89 Ill. Adm. Code 515	Clarifies						
Secretary of State							
Commercial Driver Training Schools; 92 Ill. Adm. Code 1060	Clarifies	Negative $ 8,300	$ 0				
Issuance of Licenses; 92 Ill. Adm. Code 1030	Expands						
The Illinois Library System; 23 Ill. Adm. Code 3030	Clarifies	Positive $ 12,584	$ 0				
Department of Transportation							
Floodway Construction in Northeastern Illinois; 92 Ill. Adm. Code 708	New	Negative $ Not Given	$ 0	No $ 0	Not Submitted	None $ 0	0
Department of Agriculture							
Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Illinois Educational Labor Relations Board							
Fair Share Fee Objections; 80 Ill. Adm. Code 1125 (Emergency)	Expands						
Department of Public Aid							
Food Stamps; 89 Ill. Adm. Code 121 (Emergency)	Clarifies						
General Assistance; 89 Ill. Adm. Code 114 (Emergency)	Expands						
Department of Public Health							
Food Service Sanitation; 77 Ill. Adm. Code 750 (Emergency)	Expands						
Sanitation of Retail Food Stores; 77 Ill. Adm. Code 760 (Emergency)	Expands						
Department of Revenue							
Retailers' Occupation Tax; 86 Ill. Adm. Code 130 (Emergency)	Expands						
Service Occupation Tax; 86 Ill. Adm. Code 140 (Emergency)	Expands						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
November							
Department of Alcoholism and Substance Abuse							
Subacute Alcoholism and Substance Abuse Treatment Services; 77 Ill. Adm. Code 2090	Expands	Positive $ 200,000-$ 400,000	$0	No	No $ 0	None $ 0	0
Capital Development Board							
Insurance and Surety Companies; 44 Ill. Adm. Code 1050	Expands	None	$ 0				
Prequalification of Architects and Engineers; 44 Ill. Adm. Code 980	Expands	None	$ 0			None $ 0	0
Department of Central Management Services							
Pay Plan; 80 Ill. Adm. Code 310	Expands	Positive $ Not Given	$ 0				
Illinois Commerce Commission							
Uniform Commodity Classifications, Repeal of; 92 Ill. Adm. Code 1460	Repeals					Positive $ Not Determined	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Commerce and Community Affairs							
State Administration of the Federal Community Services Block Grant Program; 47 Ill. Adm. Code 120	Clarifies	Positive $ 1,300,000	$ 0			None $ 0	0
Comptroller							
Contract Content; 74 Ill. Adm. Code 290	Expands	None	$ 0				
Transition Regulations of the Comptroller; 74 Ill. Adm. Code 200	Expands	None	$ 0				
The University Imprest System; 74 Ill. Adm. Code 230	Expands	None	$ 0				
Department of Conservation							
Designation of Restricted Waters in the State of Illinois; 17 Ill. Adm. Code 2030	Expands						
Department of Employment Security							
Payment of Unemployment Contributions, Interest and Penalties; 56 Ill. Adm. Code 2765	Expands	None	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Determination of Unemployment Contributions; 56 Ill. Adm. Code 2770	Expands	Negative $ Not Given	$ 0				
Environmental Protection Agency							
Effluent Disinfection Exemptions; 35 Ill. Adm. Code 378	Expands	Positive $ 2,000,000	$ 0				
Board of Ethics							
Procedures of the Board of Ethics; 80 Ill. Adm. Code 2000	Clarifies						
Department of Insurance							
Constructing and Filing of Life Insurance and Annuity Forms; 50 Ill. Adm. Code 1405	Clarifies	None	$ 0				
Pollution Control Board							
Permits and General Provisions; 35 Ill. Adm. Code 201	Expands	Negative $ Not Given	$ 0	No	Yes $ 0	None $ 0	0
Carbon Monoxide Emissions; 35 Ill. Adm. Code 216	Clarifies	Positive $ 12,500,000	$ 0			None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Professsional Regulation							
Private Detective, Private Alarm and Private Security Act of 1983; 68 Ill. Adm. Code 1240	New	Negative $ 1,600,000	$ 0			Negative $ 1,400,000	0
Department of Public Aid							
Medical Assistance Programs; 89 Ill. Adm. Code 120	Clarifies	None	$ 0				
Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147	Clarifies	None	$ 0			None $ 0	0
Medical Payment; 89 Ill. Adm. Code 140	Clarifies	None	$ 0			None $0	0
Food Stamps; 89 Ill. Adm. Code 121	Clarifies	Positive $ Not Given	$ 0				
General Assistance; 89 Ill. Adm. Code 114	Expands	Positive $ 172,000	$ 0				
Child Support Enforcement; 89 Ill. Adm. Code 160	Expands	Positive & Negative $ Not Given	$ 0	No	No $ 0	Not Submitted	

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790	Clarifies	None	$ 0	No $ 0	Not Requested	None $ 0	0
Illinois Racing Board							
Charitable Funds; 11 Ill. Adm. Code 830	New	Positive $ Not Given	$ 0			None $ 0	0
Department of Central Management Services							
Merit and Fitness; 80 Ill. Adm. Code 302 (Emergency)	Clarifies						
Department of Commerce and Community Affairs							
Labor-Management Programs; 14 Ill. Adm. Code 620 (Emergency)	Expands						
Department of Conservation							
Duck, Goose and Coot Hunting; 17 Ill. Adm. Code 590 (Emergency)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570 (Emergency)	Clarifies						
Department of Public Aid							
Drug Manual; 89 Ill. Adm. Code 141 (Emergency)	Clarifies						
Food Stamps; 89 Ill. Adm. Code 121 (Peremptory)	Clarifies						
Food Stamps; 89 Ill. Adm. Code 121 (Peremptory)	Expands						
Medical Payment; 89 Ill. Adm. Code 140 (Emergency)	Clarifies						
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790 (Emergency)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Revenue							
Tax Increment Allocation Financing; 86 Ill. Adm. Code 525 (Emergency)	New						
Illinois Sports Facilities Authority							
Pre-Qualification of General Contractors; 44 Ill. Adm. Code 1300 (Emergency)	New						
Illinois State Scholarship Commission							
Guaranteed Loan Program; 23 Ill. Adm. Code 1720 (Emergency)	Clarifies						
December							
Department on Aging							
Older Americans Act Programs; 89 Ill. Adm. Code 230	New	Positive $ 221,019	$ 221,019			None $ 0	0
Department of Alcoholism and Substance Abuse							
Farmland Preservation Act; 8 Ill. Adm. Code 700	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Children and Family Services							
Services Delivered by the Department; 89 Ill. Adm. Code 302	Clarifies	Positive $ 147,000	$ 147,000				
Confidentiality of Personal Information of Persons Served by the Department; 89 Ill. Adm. Code 431	Expands	None	$ 0			None $ 0	0
Reports of Child Abuse and Neglect; 89 Ill. Adm. Code 300	Expands	None	$ 0			None $ 0	0
Department of Children and Family Services Employee Conflict of Interest; 89 Ill. Adm. Code 437	Expands						
Purchase of Service; 89 Ill. Adm. Code 357	Expands	Positive $ 180,000	$ 0			Positive $ 0	0
Department of Commerce and Community Affairs							
Illinois Small Business Development Program 14 Ill. Adm. Code 570	Expands	Positive $ Not Given	$ 0			Positive $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Illinois Commerce Commission							
Least-Cost Planning for Electric Utilities; 83 Ill. Adm. Code 440	New	Negative $ 250,000	$ 75,192			None $ 0	0
Illinois Community College Board							
Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501	Clarifies						
State Board of Education							
Pupil Transportation; 23 Ill. Adm. Code 275	Expands						
Summer School for Gifted and Remedial Education; 23 Ill. Adm. Code 230	Clarifies	None	$ 0	No	No $ 0		
Illinois Educational Labor Relations Board							
Fair Share Fee Objections; 80 Ill. Adm. Code 1125	Clarifies	None	$ 0	No	No $ 0		
Department of Employment Security							
Rules of General Application; 56 Ill. Adm. Code 2712	Expands	Positive $ 2,000,000	$ 0			Not Submitted	

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Department of Financial Institutions							
Illinois Credit Union Act; 38 Ill. Adm. Code 190	Expands	None	$ 0				
Illinois Health Care Cost Containment Council							
Data Collection; 77 Ill. Adm. Code 2510	Clarifies	Positive $ 209,000	$ 0	No $ 0	Not Requested	None $ 0	0
Department of Lottery							
Lottery (General); 11 Ill. Adm. Code 1770	Expands	None	$ 0			None $ 0	0
Department of Nuclear Safety							
Radiation Inspectors and Inspections; 32 Ill. Adm. Code 410	Expands	Negative $ 35,000	$ 35,000	Yes	Yes $ 50,000		
Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine; 32 Ill. Adm. Code 360	Clarifies	Negative $ 3,746,500	$ 0			Not Submitted	
Pollution Control Board							
Effluent Standards; 35 Ill. Adm. Code 304	Clarifies					None	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Prisoner Review Board							
Prisoner Review Board Rules; 20 Ill. Adm. Code 1610	Clarifies	None	$ 0				
Department of Professional Regulation							
Medical Practice Act of 1987; 68 Ill. Adm. Code 1285	New	None	$ 0			None $ 0	0
Medical Practice Act, Repeal of; 68 Ill. Adm. Code 1280	Repeals					None $ 0	0
Department of Public Aid							
Medical Payment; 89 Ill. Adm. Code 140	Clarifies	Positive and Negative $ Not Given	$ -129,000	No $ 0	Not Submitted	None $ 0	0
General Assistance; 89 Ill. Adm. Code 114	Clarifies	None	$ 0				
Drug Manual; 89 Ill. Adm. Code 141	Clarifies					None $ 0	0
Illinois Competitive Access and Reimbursement Equity (ICARE) Program; 89 Ill. Adm. Code 149	Clarifies	None	$ 0	No $ 0	Not Submitted	None $ 0	0

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Aid to the Aged, Blind, or Disabled; 89 Ill. Adm. Code 113	Clarifies	Positive $ Not Given	$ 0				
Aid to Families with Dependent Children; 89 Ill. Adm. Code 112	Clarifies						
Assistance Standards; 89 Ill. Adm. Code 111	Expands	Positive $ Not Given	$ 0				
General Assistance; 89 Ill. Adm. Code 114	Clarifies						
Medical Assistance Programs; 89 Ill. Adm. Code 120	Clarifies	Positive $ Not Given	$ 0				
Department of Public Health							
The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790	Clarifies	None	$ 0	No $ 0	Not Requested	None $ 0	0
Department of Revenue							
Pull Tabs and Jar Games Act; 86 Ill. Adm. Code 432	New	Positive $ Not Given	$ 0			Not Submitted	

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act; 86 Ill. Adm. Code 530	Expands					None $ 0	0
Secretary of State							
Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010	New	None	$ 0				
State Employees Retirement System							
The Administration and Operation of the State Employee's Retirement System of Illinois Social Security Unit; 80 Ill. Adm. Code 1570	Clarifies	None	$ 0	No	No $ 0		
Department of Agriculture							
Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)	Clarifies						
Department of Public Health							
Long-Term Care for Under Age 22; 77 Ill. Adm. Code 390 (Emergency)	Clarifies						

Proposed Agency Rulemaking	Effect on Agency Program	Effect on Persons Regulated	Effect on Agency Budget	State Mandate Created Agency	State Mandate Created DCCA	Effect on Small Businesses	Regulatory Alternatives Considered
Minimum Standards Classification and Licensure of Skilled Nursing Facilities and Intermediate Care Facilities; 77 Ill. Adm. Code 300 (Emergency)	Clarifies						
Minimum Standards for Classification and Licensure of Intermediate Care Facilities for the Developmentally Disabled; 77 Ill. Adm. Code 350 (Emergency)	Clarifies						
Minimum Standards for Classification and Licensure of Sheltered Care Facilities; 77 Ill. Adm. Code 330 (Emergency)	Clarifies						

The following summaries, resulting from the economic impact review chart, indicate the number and effect of all agency rulemakings reviewed by the Joint Committee on Administrative Rules during 1988.

SUMMARY OF RULEMAKINGS

Of the five hundred ninety-nine rulemakings considered by the Joint Committee this year, four hundred eighty-one rulemakings expanded, clarified, or updated existing programs; twenty-six rulemakings repealed existing rules and ninety-two rulemakings implemented new programs.

New 92 (15.4%) Expands 237 (39.1%) Clarifies 247 (41.2%) Repeals 26 (4.3%)

ECONOMIC AND BUDGETARY EFFECTS ANALYSIS

Economic and budgetary effects analyses were requested on three hundred seventy-four rules this year. The agencies stated that one hundred ninety-four of the rulemakings had no effect on persons regulated, one hundred sixteen had a positive effect, and seventy-one had a negative effect. This tabulation includes several rulemakings that had both a positive and negative effect. According to information received from the agencies, these rulemakings had a net positive effect on persons regulated of approximately $416,054,521.

No effect 194 (51%) Positive effect 116 (31%) Negative effect 71 (18%)

Net Effect on Agency Budget TOTAL $ 37,210,246

STATE MANDATES ANALYSIS

State mandates analyses were requested or submitted on eighty-four rules. According to the agencies concerned or the Department of Commerce and Community Affairs, twenty-six rulemakings created a state mandate.

Created 26 (31%) Not created 58 (69%)

Amount of Impact on Local Governments TOTAL $ 30,233,607

SMALL BUSINESS IMPACT ANALYSIS

The Department of Commerce and Community Affairs, at the request of various agencies that promulgated rules this year, analyzed two hundred forty-six rulemakings for small business impact. The Department believed that twenty-one of the rulemakings affected small businesses.

Rules affecting small businesses 21 (8.5%)

Net Small Business Impact TOTAL $ -3,115,250

CONCLUSIONS

Economic and Budgetary Effects Analysis

1) Approximately one-half of the rulemakings promulgated this year had no effect on persons regulated, according to the agencies.

2) Of the rulemakings that had an effect on persons regulated, two-thirds had a positive effect, according to the agencies.

3) The budgetary information received was not clear or was inconclusive, making it difficult to extrapolate data concerning the monetary affect of rulemaking on agency budgets. It would appear that, based on this lack of conclusive information, agencies did not thoroughly consider the budgetary impact of rulemakings.

State Mandates Impact Analyses

1) Only one-third of the rulemakings analyzed for state mandates impact created or expanded a state mandate, according to the Department of Commerce and Community Affairs and the agencies concerned.

2) Sixty-eight percent of the state mandates analyses requested from the Department of Commerce and Community Affairs were not submitted in a timely manner.

3) Frequently, the agency and the Department of Commerce and Community Affairs gave conflicting information concerning state mandates impact.

Small Business Impact Analysis

1) Of all the rulemakings this year, the Department of Commerce and Community Affairs determined that only 3% affected small businesses either positively or negatively.

2) Agencies believed that forty-one percent of the rulemakings may have affected small business, and so submitted these rulemakings to the Department of Commerce and Community Affairs for analysis. However, the Department stated that only eight and one-half percent of these rules had an effect on small businesses.

3) Over eighty-one percent of the small business impact analyses requested were not submitted in a timely manner.

4) The Department of Commerce and Community Affairs is not meeting the requirement of Section 4.03(c) of the Illinois Administrative Procedure Act, which states that the small business impact analyses shall be completed within the first notice period.

Small Municipality Impact Analysis

1) The Department of Commerce and Community Affairs is not currently fulfilling its statutory directive to assess the impact of rulemaking upon small municipalities.

In conclusion, the Illinois Administrative Procedure Act requires that the impact on small businesses, small municipalities, persons regulated and the agency budget be considered during the rulemaking process. In light of the vagueness and lack of concrete information received from the economic and budgetary forms requested, it is questionable whether the current method of review fulfills Section 7.04 of the Illinois Administrative Procedure Act in a meaningful way. Apparently, judging from the information compiled over the past year, full and meaningful consideration of the economic impact of rulemaking has not been achieved.

There exists an obvious problem in the receipt of information from the Department of Commerce and Community Affairs. The information is only occasionally received in a timely manner, and when it is received, it does not appear to be as thorough as it possibly could be.

The Joint Committee will pursue discussions with the Department of Commerce and Community Affairs to develop revisions to the small business and state mandates impact review processes in order to determine the appropriate review mechanisms for these analyses. An examination of the economic and budgetary review process in the coming year will also be conducted to determine what revisions are required to better reflect the purposes of the Illinois Administrative Procedure Act.

COMPLAINT REVIEW PROGRAM

Sections 7.04 and 7.07 of the Illinois Administrative Procedure Act grant the Joint Committee the authority to review agency rules and policies. Section 7.04 allows the Joint Committee to "undertake studies and investigations concerning rulemaking and agency rules" and requires that the Committee "monitor and investigate" agency compliance with the provisions of the Illinois Administrative Procedure Act, "make periodic investigations of the rulemaking activities of all State agencies, and evaluate and report on all rules in terms of their propriety, legal adequacy, relation to statutory authorization, economic and budgetary effects and public policy."

Section 7.07 of the Act authorizes the Joint Committee to issue objections to existing rules and assigns to the Committee the task of examining "any rule for the purpose of determining whether the rule is within the statutory authority upon which it is based, and whether the rule is in proper form."

Part 260 of the Joint Committee's Operational Rules (1 Ill. Adm. Code 260), outlines the complaint review procedure. Upon receipt of a complaint, an initial review is conducted to determine the need for a full complaint investigation. Most of the inquiries received by the Joint Committee require basic information, such as copies of rules, explanations of the rulemaking process, or referrals to appropriate agencies. These inquiries are easily answered without a full investigation. Others, however, require more extensive research and study prior to formal Joint Committee action.

Two formal reviews were commenced in 1988. The complaints involved the Department of Employment Security and the State Board of Education. Also, the Joint Committee is monitoring several complaints which were registered in previous years.

1988 COMPLAINTS

Department of Employment Security

In December 1987, the Joint Committee began an investigation of a complaint lodged against the Department of Employment Security. The complaint alleged that the Department recently altered a longstanding policy and began to require that newspapers and publishing companies pay unemployment contributions on behalf of newspaper carriers over age eighteen and individuals engaged in various types of free-lance work for these companies. There have been no recent changes in state law or rules, or federal law or rules that would explain a change in the Department's policy regarding what services constitute covered employment. And yet, a change of policy apparently occurred in 1986, when the Department began to require for the first time that unemployment compensation be paid on behalf of adult newspaper carriers and individuals engaged in free-lance work for newspapers. According to the complainant, the Department threatened to impose fines and as much as four years in back payments plus interest in some cases. The Joint Committee considered this issue at its June 14, 1988 meeting and voted to recommend that the Department immediately amend its

rules concerning unemployment insurance to include relevant Department policies governing who are covered employees for the purposes of unemployment insurance. The Joint Committee also recommended that the Department cease and desist from assessing payment or back-payment of unemployment contributions and penalties against employers whose employees have not historically been considered covered. The Joint Committee further recommended that the Department not make such rules retroactive. On September 14, 1988, the Department responded that the Director has no authority to waive Unemployment Insurance contributions owed the State and, therefore, the Department must refrain from such rulemaking. The Department further responded that the Employment Security Advisory Board would review Section 212 of the Act and hold public hearings. The Board would then decide whether or not to proceed through the agreed bill process.

After receiving the Department's response, the Joint Committee requested that the Governor's Office take a direct role in working toward a solution to this complaint. The Deputy Governor met with the Joint Committee Co-Chairmen, Executive Director, and staff on November 16, 1988, to discuss the complaint. The Employment Security Advisory Board also held a hearing on November 30, 1988, to elicit public comment on the Department's policy. Several new issues were raised at these meetings.

The Joint Committee again considered this issue at its December 15, 1988 meeting. The Joint Committee voted to request information from the Governor's Office concerning the estimated tax liability placed on state governments, units of local government and businesses in the private sector as a result of the Department's recent audit determinations. The Joint Committee also requested that the Governor's Office provide the Joint Committee with a copy of the Department's draft regulation which provides that the Director of the Department will forgive interest and penalties in these circumstances. The Joint Committee further requested that the Governor's Office provide a copy of the legal opinion of the Governor's Office concerning the Joint Committee's recommendations of June 14, 1988. The Joint Committee is awaiting a response from the Governor's Office and will continue to investigate this matter in the coming year.

State Board of Education

In October 1988, the Joint Committee began an investigation of the State Board of Education's regulations entitled "Disadvantaged Students Funds Plan -- Districts Over 50,000 ADA", 23 Ill. Adm. Code 202. The complaint alleged that the Board's rules were inadequate to insure that the state weighted funds for disadvantaged students were being properly spent by the Chicago School District. The Chicago School District is the only district with over 50,000 average daily attendance (ADA) and, under the School Code, the Chicago School District must submit a plan for the Board's approval delineating the spending of the funds. The Board "targets" sixty percent of the funds pursuant to Section 18-8(5)(i)(1) of the School Code (Ill. Rev. Stat. 1987, ch. 122, par. 18-8(5)(i)(1)). The targeted funds are distributed to attendance centers based on the number of students eligible for the free lunch and breakfast programs, and it is the targeted funds that the Board follows to insure proper spending. After the initiation of the complaint, the General Assembly passed, and the Governor signed, PA 85-1418. The public

act amends Section 18-8(5)(i)(1) of the Code to require that one hundred percent rather than sixty percent of the weighted funds for disadvantaged students be targeted through phasing in increases over the next four years. Therefore, the concern over the adequacy of the rules is even more relevant in light of PA 85-1418. This complaint investigation will continue in the coming year.

1984, 1986, 1987 COMPLAINTS

Environmental Protection Agency

In January 1987, the Joint Committee began an investigation of a complaint lodged against the Illinois Environmental Protection Agency. The complainant alleged that the Agency's rules concerning the protection of potable water supplies from possible contamination sources were having an adverse affect on fire protection sprinkler systems. This problem was caused by the rules' requirements for reduced pressure zone backflow valves, which drop incoming water pressure to fire systems. Since the rules had already been adopted and the complainant had missed the public comment period during the rules' proposed stage, the only recourse appeared to be for the complainant to seek legislation. However, through negotiations with the Joint Committee, the Agency agreed to request that the Pollution Control Board promulgate rules covering this subject-matter, since such rules more properly fall under the Board's jurisdiction. The Board took this matter under consideration, and requested that an Economic Impact Statement be done by the Department of Energy and Natural Resources. The Board has currently suspended hearings on the economic impact study of the draft regulation due to budgetary constraints. The Agency has requested that the Board continue hearings to avoid further delays in the rulemaking process. The Agency anticipates that the Board will propose rules in the next year or two.

Joint Committee involvement in this complaint ended in October 1987, when the Environmental Protection Agency asked the Pollution Control Board to promulgate rules, and, therefore, the file was closed. Proposal of rules by the Board will give the complainant sufficient opportunity to comment during the first notice period. Also, as per the Agency's agreement with the Joint Committee, when these rules are adopted by the Board, the Agency will repeal its rules governing the same subject matter.

Department of Labor

In September 1987, the Joint Committee received a complaint that was lodged against the Department of Labor. The complainant alleged that the Department had been enforcing general overtime provisions against motor carriers. There had been no change in state or federal law to explain the Department's policy changes and these policies were not found in the Department's rules. Investigation revealed that the Department had requested information and collected money between November 1986 and July 1987 from some Illinois motor carriers on behalf of truck drivers who had worked overtime. This enforcement process has ceased and the Department is currently not enforcing these overtime provisions against motor carriers. The

Department does not appear to be planning to reinstate the enforcement process in the future. The Joint Committee is continuing its investigation of this matter. Thus, this file remains "open".

Department of Transportation

The Joint Committee is monitoring the progress of the Department of Transportation, Division of Water Resources, in its promulgation of "Rules for Construction in Rivers, Lakes, and Streams." In 1984, after a complaint review revealed that the rules had not been formally promulgated pursuant to the Illinois Administrative Procedure Act, but had been enforced by the Department for a number of years, the Joint Committee recommended that the Department adopt these rules. The Department proposed rules in December of 1984. However, based upon the extent and nature of the comments received by the Department during the public comment period, the Department ceased promulgation of the rules, indicating that new rules would be proposed.

The Department was contacted in March 1986 and asked about the status of the new rulemaking. The Department responded that an Attorney General's opinion regarding the Department's authority to regulate construction in Illinois waters had been requested. The Department further stated that it did not intend to issue a rulemaking notice until such time as the Attorney General issued his opinion. In August 1987, the Attorney General issued his opinion, which stated that the Department does have the authority to regulate construction in waters in Illinois, except where expressly limited by statute. The Department had planned to promulgate rules in June 1988, but has not yet done so. The Department was contacted in December of 1988 to ascertain the Department's progress in rulemaking. The Department responded that currently the Department and the Department of Conservation are negotiating to determine what the extent of the Department's jurisdiction is regarding the definition of public waters and protection of natural conditions. The Department indicated that it hopes to promulgate rules by July of 1989. This file will remain open pending promulgation and Joint Committee approval of these rules.

Department of Conservation

The Joint Committee is monitoring the progress of the Department of Conservation toward the implementation of Executive Order #7 (1985) and PA 84-1065. In 1986, a complaint was filed alleging that the implementation by the Department of Conservation of this executive order and public act, which amended the "Illinois Endangered Species Protection Act," would pose great difficulties for county highway authorities in completing projects. Specifically, the complaint alleged that the implementation of Executive Order #7 and the subsequent rules required by PA 84-1065, which provide for the protection of endangered animals or plants, were unduly restrictive, resulting in extended delays and, in some instances, forfeiture of projects by county highway authorities.

Rules implementing Executive Order #7 and the amendments to the Endangered Species Protection Act had not been proposed at the time that the complaint

was filed with the Joint Committee. The Joint Committee met with representatives of the Department of Conservation and were given an approximate date for the proposal of such rules. The complainant was advised to hold any comment concerning such rules and submit them to the Department during the public comment period. In addition, it was suggested that the complainant request a public hearing. The Department proposed rules implementing the Endangered Species Protection Act in the December 12, 1986, issue of the Illinois Register. The rules, entitled "Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species" (17 Ill. Adm. Code 1075), implement the consultation process which is designed to assist state agencies and local governments when assessing the adverse impact of projects on endangered or threatened flora or fauna. Pursuant to Section 5.01(d) of the Illinois Administrative Procedure Act, the Department permitted these rules to lapse beyond the one-year time limit for promulgation. The Department plans to propose new rules and the file will remain "open" pending the promulgation and Joint Committee review of these rules.

Department of Commerce and Community Affairs

The Joint Committee is monitoring the progress of the Department of Commerce and Community Affairs (DCCA) and the Commerce Commission toward the promulgation of more specific rules pursuant to the Energy Assistance Act. Specifically, the complainant contended that DCCA must initiate rulemaking delineating the criteria to be followed when determining eligibility for the Illinois Residential Affordable Payment Program (IRAPP), which was created to implement the Energy Assistance Act (PA 84-1034). This legislation provided for the creation of a 12% payment program for low income utility customers and placed authority for IRAPP with the Illinois Commerce Commission. The Joint Committee considered the Commission's rules for the implementation of the IRAPP program, entitled "Energy Assistance" (83 Ill. Adm. Code 281), at its April 17, 1986 meeting, at which time thirteen objections and one recommendation were issued to the rules by the Committee.

Section 4 of the Energy Assistance Act states that to be eligible for the 12% payment program, "a person must be a public utility customer or an applicant for utility services and be eligible for the Home Energy Assistance Program." The Illinois Home Energy Assistance Program (IHEAP) is implemented by the Department of Commerce and Community Affairs. Thus, the eligibility criteria for IRAPP and IHEAP are the same, and the Department of Commerce and Community Affairs processes applications and determines eligibility for IRAPP in conjunction with the IHEAP applications.

It was the contention of the complainant that DCCA must provide rules for processing IRAPP applications separate from the IHEAP application procedures. DCCA's involvement in the program, however, was not originally legislatively mandated, but was rather the result of a cooperative working agreement between the Commerce Commission and DCCA for the processing of IRAPP applications. DCCA did agree, however, to propose rules that further define IHEAP in order to facilitate those parties interested in applying for either or both of the programs. Amendments to the rules entitled "State Administration of the Federal Low-Income Home Energy Assistance Program" (47 Ill. Adm. Code 100), were adopted by DCCA in the December 1, 1986,

Illinois Register. The Department also agreed to propose, in early 1987, amendments to its definitions of "local administering agency" and "household income." Such amendments were reviewed by the Joint Committee and adopted in December of 1987.

To further clarify various aspects of IRAPP, the Joint Committee drafted and had passed into law PA 85-122. The Commerce Commission adopted amendments in response to PA 85-122 on November 15, 1988. The Department of Commerce and Community Affairs also proposed amendments on June 3, 1988, but DCCA's proposed rules have not been placed on second notice at this time. This file remains "open" pending final adoption of these DCCA rules.

PUBLIC ACT REVIEW

Section 7.05(3) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1007.05) provides that the Joint Committee will maintain a review program to study the impact of legislative changes on agency rules and rulemaking. The Joint Committee fulfills this statutory obligation through its public act review program. Under this program, the Joint Committee reviews each public act filed during the year and determines whether the legislation requires agency rulemaking. Upon making this determination, the Joint Committee notifies each agency that may be required to promulgate rules and requests information regarding whether the agency has determined that rulemaking is necessary and the status of any such rulemaking. The Joint Committee then monitors the agency's progress in fulfilling the rulemaking requirement. A primary goal of the Joint Committee in this program is to ensure that the rulemaking is implemented in an expeditious manner as required by Section 8 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1008).

The Joint Committee reviewed 406 public acts that were passed during 1988 by the 85th General Assembly. As a result of this review, it was found that 118 of the public acts may require rulemaking, and letters stating that rulemaking may be required by a particular public act were sent by the Joint Committee to the appropriate State agency. Such letters were sent to a total of thirty-seven State agencies. The following table summarizes the Joint Committee's findings. The table lists in alphabetical order by agency, each public act that may require new or amendatory rulemaking, the agency or agencies involved, and the agency's response to the Joint Committee's letter regarding the need for rulemaking to implement the public act. Agencies are listed as agreeing or disagreeing that rulemaking is necessary for each particular public act. An agency listing of "no response" does not indicate that an agency does not intend to respond but rather that the agency's response has not been received before publication of this annual report.

TABLE 13
PUBLIC ACTS THAT MAY REQUIRE RULEMAKING

Public Act	Agency	Response
85-1184	Aging	Agree
85-1205	Alcoholism & Substance Abuse	Agree
85-1304	Alcoholism & Substance Abuse	Agree
85-1018	Central Management Services	No Response
85-1033	Central Management Services	No Response
85-1196	Central Management Services	No Response
85-1197	Central Management Services	Disagree
85-1337	Central Management Services	Agree
85-1404	Central Management Services	No Response
85-908	Children & Family Services	Agree
85-1190	Children & Family Services	Agree
85-1257	Children & Family Services	No Response
85-1394	Children & Family Services	Agree
85-1021	Commerce & Comm. Affairs	Disagree
85-1180	Commerce & Comm. Affairs	Agree
85-1182	Commerce & Comm. Affairs	Agree
85-1365	Commerce Commission	No Response
85-1405	Commerce Commission	No Response
85-1338	Commissioner of Banks & Trusts	No Response
85-1402	Commissioner of Banks & Trusts	No Response
85-1143	Commissioner of Savings & Loans	Agree
85-1047	Community College Board	Agree
85-1179	Conservation	Disagree
85-1181	Conservation	Agree
85-1185	Conservation	Agree
85-1337	Consortium for Educ. Opportunity	Agree
85-1027	Emergency Services & Disaster Agency	Agree
85-1325	Emergency Services & Disaster Agency	No Response
85-1198	Energy & Natural Resources	No Response
85-1200	Energy & Natural Resources	Disagree
85-1135	Environmental Protection Agency	Agree
85-1195	Environmental Protection Agency	No Response
85-1198	Environmental Protection Agency	No Response
85-1321	Environmental Protection Agency	No Response
85-1325	Environmental Protection Agency	No Response
85-1343	Environmental Protection Agency	Agree
85-1265	Financial Institutions	Disagree
85-1273	Financial Institutions	Disagree
85-1324	Fire Marshal	No Response
85-1325	Fire Marshal	No Response
85-1385	Industrial Commission	No Response
85-1172	Insurance	No Response
85-1174	Insurance	No Response
85-1246	Insurance	No Response
85-1373	Insurance	No Response
85-1376	Insurance	No Response
85-1385	Insurance	No Response
85-1278	Local Records Comm. of Cook County	Agree
85-1222	Lottery	No Response
85-1224	Lottery	No Response

TABLE 13
PUBLIC ACTS THAT MAY REQUIRE RULEMAKING
(continued)

Public Act	Agency	Response
85-1250	Mental Health & Dev. Disabilities	No Response
85-1312	Mines & Minerals	Disagree
85-1334	Mines & Minerals	Agree
85-1133	Nuclear Safety	Agree
85-1160	Nuclear Safety	Agree
85-1407	Nuclear Safety	Disagree
85-1048	Pollution Control Board	Agree
85-1321	Pollution Control Board	Disagree
85-1327	Pollution Control Board	Agree
85-1023	Professional Regulation	No Response
85-1131	Professional Regulation	No Response
85-1222	Professional Regulation	No Response
85-1243	Professional Regulation	No Response
85-1245	Professional Regulation	No Response
85-1268	Professional Regulation	No Response
85-1280	Professional Regulation	No Response
85-1302	Professional Regulation	No Response
85-1305	Professional Regulation	No Response
85-1382	Professional Regulation	No Response
85-1391	Professional Regulation	No Response
85-1156	Public Aid	Agree
85-1157	Public Aid	Agree
85-1206	Public Aid	Agree
85-1236	Public Aid	Agree
85-1243	Public Aid	Agree
85-1262	Public Aid	Agree
85-1288	Public Aid	Agree
85-1308	Public Aid	Agree
85-1337	Public Aid	Agree
85-1377	Public Aid	Agree
85-1025	Public Health	Agree
85-1183	Public Health	Agree
85-1216	Public Health	Agree
85-1218	Public Health	Agree
85-1222	Public Health	Disagree
85-1225	Public Health	Agree
85-1244	Public Health	Agree
85-1246	Public Health	Agree
85-1248	Public Health	Agree
85-1251	Public Health	Agree
85-1261	Public Health	Agree
85-1315	Public Health	Agree
85-1337	Public Health	Agree
85-1399	Public Health	Agree
85-1164	Racing Board	Agree
85-1170	Racing Board	Agree
85-1222	Racing Board	Agree

TABLE 13
PUBLIC ACTS THAT MAY REQUIRE RULEMAKING
(continued)

Public Act	Agency	Response
85-1282	Rehabilitation Services	Agree
85-1337	Rehabilitation Services	No Response
85-1380	Rehabilitation Services	No Response
85-1135	Revenue	Agree
85-1176	Revenue	Disagree
85-1214	Revenue	Agree
85-1372	Revenue	No Response
85-1409	Revenue	No Response
85-1144	Secretary of State	Agree
85-1204	Secretary of State	Disagree
85-1238	Secretary of State	Disagree
85-1384	Secretary of State	Agree
85-1150	State Board of Education	Agree
85-1199	State Board of Education	No Response
85-1382	State Board of Education	Agree
85-1389	State Board of Education	Agree
85-1393	State & Local Labor Relations Boards	No Response
85-1203	State Police	Agree
85-1033	Transportation	Disagree
85-1167	Treasurer	Agree
85-1189	Veterans' Affairs	Agree

1988 LEGISLATIVE ACTIVITY

The passage of legislation that clarifies, as well as upholds, the intent of the General Assembly is a priority of the Joint Committee. The Joint Committee also sponsors legislation to amend the Illinois Administrative Procedure Act to improve the oversight process for State agencies in Illinois. The Joint Committee's 1988 legislative initiatives resulted in passage of five public acts during 1988, each reflecting issues addressed by the Joint Committee throughout the past twelve months. Amendments reflective of Joint Committee positions were also added to several agency bills. Summaries of these five public acts are included below. Also included is a summary of Public Act 85-1393 (House Bill 3379), which was not sponsored by the Joint Committee. An agreement was reached with the sponsors of the bill, allowing language from two Joint Committee bills (House Bill 3138 and House Bill 3141) to be included in the bill that resulted in Public Act 85-1393.

Among those five public acts is Public Act 85-1048 (Senate Bill 1834), which was introduced in an effort to streamline the rulemaking procedures of the Pollution Control Board and to better integrate the Board's procedures with those of the Illinois Administrative Procedure Act. This legislation represents a progressive step toward a better working relationship with that agency and the other agencies and groups that participated in negotiations on this legislation.

Public Act 85-1048. Public Act 85-1048 (Senate Bill 1834, sponsored by Senators Jones and Woodyard and Representatives Olson, M., Flinn, Levin, Peterson, W., and Kulas), effective January 1, 1989, amends "An Act in relation to natural resources, research, data collection and environmental studies", the "Environmental Protection Act" (the Act), and the Illinois Administrative Procedure Act.

Specifically Public Act 85-1048:

1. Amends Sections 4 and 5 of "An Act in relation to natural resources, research, data collection, and environmental studies" and Section 27(a) of the "Environmental Protection Act" to authorize the Pollution Control Board rather than the Department of Energy and Natural Resources to determine, with review and comment by the Economic Technical Advisory Committee, whether an economic impact study will be required for proposed rulemakings by the Board. The public act also revises the criteria on which such studies shall be based, and requires persons who propose rule changes to the Board to provide the Board with information concerning the economic impact of such proposals;

2. Adds new Section 7.2 to the Act to define the term "identical in substance" as it relates to rules adopted by the Board to implement certain federal regulations, requires the Board to complete rulemaking proceedings on "identical in substance" rules within one year after the adoption of the corresponding federal regulation,

allows the Board to consolidate multiple federal regulations into a single Board rulemaking, permits the Board to extend the one-year period if necessary to complete the rulemaking proceeding, and makes other revisions to the procedures for identical in substance rulemaking;

3. Adds new Section 7.3 to the Act to specify the various documents relating to the rulemaking process that the Board may submit for publication in the Illinois Register;

4. Amends Sections 13(c), 13.3, 22.4(a), and 22.7(a) of the Act, which require the Board to adopt rules that are identical in substance to certain federal regulations, to reference Section 7.2 of the Act, and to allow the Board to consolidate into single rulemakings under these sections all such federal regulations adopted within a six-month period. Adds Section 17.5 to the Act to apply these requirements to rules adopted by the Board that are identical in substance to federal regulations implementing certain sections of the Safe Drinking Water Act;

5. Amends Section 22.4 of the Act to delete a provision requiring the Board to adopt regulations listing certain dioxins as hazardous wastes, and to require the Board's rulemaking implementing the Hazardous and Solid Waste Amendments of the Resource Conservation and Recovery Act to be in accordance with Section 7.2 of the Act;

6. Amends Section 27 of the Act to establish procedures for negotiated rulemaking by interested parties to any regulation mandated by State or federal law, and amends Section 28 of the Act authorizing the Board to hold one or more hearings to consider both the merits and the economic impact of a rulemaking proposal;

7. Amends Section 28.1 of the Act to allow the Board to grant individual adjusted standards when a regulation of general applicability does not specify a level of justification required of a petitioner to qualify for an adjusted standard, and to specify provisions that must be included in the Board's rules governing such adjusted standards;

8. Adds new Section 28.2 to the Act to create a new category of rules known as "federally required rules" that may be adopted by the Board. Federally required rules are State rules that are required to implement certain federal environmental laws. Section 28.2 includes provisions for the preparation of economic impact studies on such rules, and requires the Board to propose a federally required rule in the Illinois Register no later than six months from the date that the Board determines whether an economic impact study should be conducted on the rule; and

9. Amends Section 6.01 of the Illinois Administrative Procedure Act to authorize the Secretary of State to accept for publication in the Illinois Register specified Pollution Control Board documents.

Public Act 85-1216. Public Act 85-1216 (House Bill 3161 sponsored by Representatives Olson, M., Levin, and Kubik and Senator Jones), effective August 30, 1988, amends the Hearing Aid Consumer Protection Act, the Illinois Health Facilities Planning Act, and the Nursing Home Care Reform Act. Specifically, Public Act 85-1216 amends Section 3 of the Hearing Aid Consumer Protection Act to revise the definition of "clinical audiologist" to mean a person with a minimum of a Masters Degree from an accredited institution, who has completed a minimum of 24 semester hours or 36 quarter hours of graduate level course work in an audiology curriculum, and who holds a certificate of clinical competence in audiology from the American Speech-Language-Hearing Association, or a person who has completed 24 semester hours or 36 quarter hours of graduate level course work at an accredited institution, which meets the academic and practicum requirements for the award of a certificate of clinical competence in audiology from the American Speech-Language-Hearing Association.

Section 5 of the Health Facilities Planning Act is amended by this public act to prohibit the Health Facilities Planning Board from delegating the authority to grant permits or exceptions when the person or entity to whom such authority is being granted would be required to exercise any discretion affecting the decision to grant a permit or exemption. Finally, Public Act 85-1216 amends Section 3-303.1 of the Nursing Home Care Reform Act by authorizing the Department of Public Health to provide, by rule, for the automatic renewal of the waiver of a facility's compliance with rules or standards concerning physical plant requirements upon renewal of the facility's license.

Public Act 85-1278. Public Act 85-1278 (Senate Bill 1704, sponsored by Senators Woodyard and Jones and Representatives Levin and Ryder), effective August 30, 1988, amends Sections 4 and 10 of the Local Records Act to rectify a conflict between the two sections. Formerly, each of these sections of the Act specified different procedures for the destruction of court records. As amended by Public Act 85-1278, Section 4 applies to court records filed with the clerks of the Circuit Court, while Section 10 provides procedures for the disposal of records by units of local government.

Public Act 85-1336. Public Act 85-1336 (Senate Bill 1701, sponsored by Senators O'Daniel and Karpiel and Representatives Brunsvold and Hartke), effective August 31, 1988, amends Sections 2.11 and 2.26 of the Wildlife Code and Section 2 of the Firearm Owner's Identification Act. Specifically, Public Act 85-1336 amends Sections 2.11 and 2.26 of the Wildlife Code to authorize the Department of Conservation to issue wild turkey and deer hunting permits without charge to shareholders of corporations that own at least forty acres of land in a county. The public act allows the Department to issue one permit for each forty acres of corporate-owned land in a county, up to a maximum of fifteen permits for the shareholders of any corporation in any county.

In addition, Public Act 85-1336 amends Section 2 of the Firearm Owner's Identification Act to exempt, from the prohibition against possessing a firearm without a Firearm Identification Card (FOID), certain nonresident hunters while hunting at private clubs licensed under the Wildlife Code, only during hunting season, and while accompanied by and using a firearm owned by a person who possesses a valid FOID.

Public Act 85-1337. Public Act 85-1337 (Senate Bill 1707, sponsored by Senators Jones and Karpiel and Representatives Levin, Ryder, Sutker, Lang, and Flowers), effective August 31, 1988, resolves statutory authority and standards issues that were discovered during the Joint Committee's review of rules concerning the Department of Public Aid, Department of Rehabilitation Services, Department of Public Health, Department of Central Management Services and the Illinois Consortium for Educational Opportunity.

Specifically, Public Act 85-1337:

1. Amends Section 12-4.5 of the Public Aid Code to require the Department of Public Aid to promulgate rules governing the selection of Distribution Network Agencies under the Federal Surplus Commodity Program. Such rules must include policies relative to the termination of contracts, fraud and abuse, appeals processes, and information relative to application and selection processes. The Department is also required to promulgate rules specifying information required in cost reports to be submitted by each Distribution Network Agency to the Department;

2. Amends Section 13 of "An Act in relation to rehabilitation of disabled persons" to require the Department of Rehabilitation Services to promulgate rules of conduct applicable to the residents of institutions for the handicapped. The Department must include in such rules specific standards for determining whether financial restitution shall be required in the event of losses or damages resulting from a resident's action, and for determining the ability of the resident and the resident's parents to pay restitution;

3. Amends Sections 3-117 and 3-119 of the Nursing Home Care Reform Act to prohibit the Department of Public Health from denying a facility's application for a license, or suspending, revoking, or refusing to renew a license on the basis of disreputable moral character of the applicant, or of the administrator, manager, or supervisor of the facility;

4. Amends Section 4 of the State Agency Employees Child Care Services Act to require the Department of Central Management Services to adopt standards for the selection of vendors of child care services by the director of any State agency; and

5. Amends Section 7 of the Illinois Consortium for Educational Opportunity Act to require the Consortium Board to adopt rules for determining whether an applicant for a grant awarded by the Consortium has above average academic ability to pursue a graduate or professional degree.

Public Act 85-1393. Public Act 85-1393 (House Bill 3379, sponsored by Representatives Saltsman, Breslin, Giorgi, Panayotovich, and Senator Brookins), effective September 2, 1988, amends "An Act to revise the law in relation to attorneys and counselors", the Illinois Public Labor Relations Act, and the Illinois Educational Labor Relations Act.

Specifically, Public Act 85-1393:

1. Amends Section 1 of "An Act to revise the law in relation to attorneys and counselors" to allow the representation of a party by a person who is not an attorney in a proceeding before the Illinois State Labor Relations Board, the Illinois Local Labor Relations Board, the Illinois Educational Labor Relations Board, the State Civil Service Commission, the local civil service commissions, or the University Civil Service Merit Board, to the extent allowed pursuant to rules and regulations promulgated by those Boards and Commissions;

2. Amends Sections 5 and 9 of the Illinois Public Labor Relations Act to require the State and Local Labor Relations Boards to jointly adopt rules specifying the stage of an unfair labor proceeding at which counsel will be appointed to represent a person and the circumstances under which a person will be allowed to select counsel. These sections have also been amended to allow parties to be represented in proceedings before a board by an attorney or any other representative of the party's choice, and to permit interested parties who are necessary to such proceedings to intervene in the proceedings in accordance with the Board's rules; and

3. Amends Sections 5 and 12 of the Illinois Educational Labor Relations Act by permitting the Educational Labor Relations Board to adopt rules to allow parties in proceedings before the Board to be represented by an attorney or by any other person knowledgeable in the matters under consideration, and by providing that mediation shall be initiated by the Board whenever jointly requested by the parties engaged in collective bargaining.

EXEMPTIONS FROM THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

The Illinois Administrative Procedure Act became effective September 2, 1975, and since that time one hundred thirty-four exemptions to the Illinois Administrative Procedure Act have been added to the Illinois statutes. Although many of these exemptions are repetitive, twenty state agencies, plus colleges and universities, currently have one or more exemptions from the rulemaking procedures of the Illinois Administrative Procedure Act.

During the 1988 spring session of the General Assembly, the Joint Committee, in concert with the Pollution Control Board, examined certain exemptions from the Illinois Administrative Procedure Act commonly used by the Board. Senate Bill 1834, which resulted from this effort, streamlined the rulemaking procedures of the Board, while at the same time better integrating those procedures with the Illinois Administrative Procedure Act. As a result of the Joint Committee's review of PCB exemptions and the resultant improvements in the Board's rulemaking procedures, a comprehensive review of all other current exemptions to the Illinois Administrative Procedure Act has been undertaken. The need for further exemptions, if any, is also being examined.

Currently, only seven of the one hundred thirty-four exemptions to the Illinois Administrative Procedure Act are found in the Act itself. The remaining exemptions are spread throughout the statutes. The rules that result from these exemptions are not reviewed through the Joint Committee monthly review process except to ensure that the rules meet the requirements of the exemptions cited.

On the following pages are several charts that illustrate the current exemptions from the Illinois Administrative Procedure Act, the agencies that have implemented them, and the date of implementation. During 1989, the Joint Committee will be studying the exemption issue and plans to meet with agency representatives to discuss the need for each agency's current exemptions and any proposed future exemptions.

TABLE 14
TOTAL NUMBER OF EXEMPTIONS FROM THE

ILLINOIS ADMINISTRATIVE PROCEDURE ACT

Agency	Rulemaking Exemptions	Hearing Exemptions	Exemptions Within The Act
Aging	1		
Agriculture	13		
Alcoholism and Substance Abuse		1	
State Board of Education			1
Central Management Services	1		1
Children and Family Services	1		
Colleges & Universities			1
Commerce Commission	1		
Industrial Commission	1		
Financial Institutions		1	1
Mental Health and Developmental Disabilities	3		
MetroEast Service	1		
Pollution Control Board	9*		
Professional Regulation		29**	
Public Aid	1		1
Public Health	37***		1
Revenue		17****	1

Agency	Rulemaking Exemptions	Hearing Exemptions	Exemptions Within The Act
Secretary of State		5	
Sports Facilities Authority	1		
State Fire Marshal	1		
Transportation	3		
	74	53	7
Total 134			

* Six of these exemptions were reviewed by the Joint Committee during the spring 1988 session of the 85th General Assembly.

** Twenty-eight of these hearing exemptions are identical. The remaining exemption is similar, except that it does not exempt the Department's hearing rules from Section 16 of the Illinois Administrative Procedure Act.

*** All of these exemptions, which allow peremptory rulemaking, are identical.

**** All of these hearing exemptions are identical.

ILLINOIS ADMINISTRATIVE PROCEDURE ACT

RULEMAKING EXEMPTIONS

Agency	Statutory Citation	Effective Date	Statutory Exemption
Agriculture	ch. 5, par. 706 ch. 5, par. 357 ch. 5, par. 507 ch. 5, par. 557	8/19/82 8/18/83 8/18/83 8/18/83	The Director, upon recommendation of the temporary operating committee, shall establish procedures for the qualifications of producers for marketing programs, for the participation of producers in hearings and referenda and for other procedures necessary in the development and adoption of marketing programs. Such procedures shall not be subject to the provisions of The Illinois Administrative Procedure Act; however, the Director shall take any necessary steps to inform affected persons of the procedures, including publication of the procedures in the Illinois Register.
	ch. 5, par. 358 ch. 5, par. 508	8/18/83 8/18/83	Procedures relative to the adoption of any proposed amendment to an existing marketing program shall not be subject to the provisions of The Illinois Administrative Procedure Act; however, the Director shall take any necessary steps to inform affected persons of the procedures, including publication of the procedures in the Illinois Register.
	ch. 5, par. 723	8/19/82	Sections [7 and 17 of the Apple and Peach Marketing Act and the Egg Marketing Development Act, 7 and 15 of the Soybean Marketing Act, and 6 and 7 of the Corn Marketing Act] of this Act shall not be subject to Sections 5, 5.01, 7.04, 7.05, 7.06, 7.06a, 7.07, 7.07a and 7.08 of the Illinois Administrative Procedure Act.
	ch. 5, pars. 376, 526 and 575	8/18/83	
	ch. 5, par. 1073	7/29/81	This Act [Sheep and Wool Productive Development and Marketing Act] shall not be subject to Section 5 of the Administrative Procedure Act.
	ch. 8, par. 37-33.1	1/1/86	The Department shall have authority to promulgate rules and regulations for the enforcement of Sections 30, 31 and 33.1 of this Act [Horse Racing Act of 1975]. Conditions and purses shall not be subject to Section 5.01 of "The Illinois Administrative Procedure Act" but shall be set and published from time to time.

Agency	Statutory Citation	Effective Date	Statutory Exemption
Agriculture	ch. 56 1/2, par. 316	9/23/83	When amendments are adopted to federal rules [governing meat and poultry inspection] which have been adopted by the Department, the Department shall file a notice of such adoption pursuant to Section 5.03 of the Illinois Administrative Procedure Act.
Aging	ch. 23, par. 6105.02	7/1/77	The provisions of "The Illinois Administrative Procedure Act", approved September 22, 1975, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department under this Act, [Act on the Aging] except that Section 5 of The Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.
Central Management Services	ch. 127, par. 148-2	1/1/86	No later than March 1, 1986, and at least biennially thereafter, the [Travel Regulation] Council shall adopt State Travel Regulations and Reimbursement Rates which shall be applicable to all personnel subject to the jurisdiction of the travel control boards established by Section 12-1. . . . If the Council fails to adopt regulations by March 1 of any odd-numbered year, the Director of Central Management Services shall adopt emergency regulations and reimbursement rates pursuant to the Illinois Administrative Procedure Act.
Children and Family Services	ch. 23, par. 5004	7/1/77	The provisions of "The Illinois Administrative Procedure Act", approved September 22, 1975, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department under this Act, [creation of the Department of Children and Family Services] except that Section 5 of The Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

Agency	Statutory Citation	Effective Date	Statutory Exemption
Commerce Commission	ch. 95 1/2, par. 18c-1402	1/1/86	Interim Rulemaking. The Commission may, by publishing interim rules in the official state newspaper and simultaneously initiating rulemaking proceedings in accordance with the Administrative Procedure Act: (1) Modify its standards and procedures in accordance with Section 18c-1401 [Modification of standards and procedures in response to preemptive federal legislation] of this Chapter; or (2) Modify its procedures in accordance with this Chapter in response to other circumstances impacting on the jurisdiction of the Commission in the field of transportation which are not of the Commission's own making but which necessitate adoption or amendment of regulations prior to the completion of normal rulemaking proceedings pursuant to the Illinois Administrative Procedure Act . . . . Such interim rules shall remain in effect only until regulations are adopted in accordance with the Administrative Procedure Act.
Industrial Commission	ch. 48, par. 137.4	9/14/83	The Industrial Commission may promulgate emergency temporary standards or rules to take effect immediately by filing such rule or rules with the Illinois Secretary of State and publishing them in the "Illinois Occupational Safety and Health Bulletin" or if that is not available, in one or more newspapers of general circulation providing that the Industrial Commission shall first expressly determine (1) that the employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (2) that such emergency standard is necessary to protect employees from such danger. Such temporary emergency standard shall be effective until superseded by a permanent standard but in no event for more than 6 months from the date of its publication.
Mental Health and Developmental Disabilities	ch. 91 1/2, pars. 308.1 and 603.06 ch. 91 1/2, par. 1514	7/1/77 1/5/88	The provisions of "The Illinois Administrative Procedure Act", approved September 22, 1975, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department under this Act, except that Section 5 of The Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

Agency	Statutory Citation	Effective Date	Statutory Exemption
Metro East Solid Waste Disposal and Energy Producing Service	ch. 111 1/2, par. 7109	9/4/86	Rules and regulations shall be promulgated under the provisions of the Illinois Administrative Procedure Act, except when necessary for the immediate preservation of the public health and safety and except for emergency provisions required to protect projects of the Service.
Pollution Control Board	ch. 111 1/2, par. 1022.4(a)*	1/1/80 amended 1/1/89	In accordance with Section 7.2, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 3001, 3002, 3003, 3004, and 3005, of the Resource Conservation and Recovery Act of 1976, as amended . . . . The provisions and requirements of Title VII of this [Environmental Protection] Act shall not apply to rules adopted under this subsection. Section 5 of The Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to rules adopted under this subsection.
Pollution Control Board	ch. 111 1/2, par. 1013(c)*	9/3/81 amended 1/1/89	In accordance with Section 7.2, and notwithstanding any other provisions of this [Environmental Protection] Act, for purposes of implementing a State UIC [Underground Injection Control] program, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 1421 of the Safe Drinking Water Act, as amended. . . . The provisions and requirements of Title VII of this Environmental Protection] Act shall not apply to regulations adopted under this subsection. Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to regulations adopted under this subsection.
	ch. 111 1/2, par. 1022.7(a)*	12/12/83 amended 1/1/89	In accordance with Section 7.2, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended. . . . The provisions and requirements of Title VII of this [Environmental Protection] Act shall not apply to rules adopted under this subsection. Section 5 of the Illinois Administrative Procedure Act relating to the procedures for rulemaking shall not apply to rules adopted under this subsection.

* These exemptions were reviewed by the Joint Committee during the spring 1988 session of the 85th General Assembly.

Agency	Statutory Citation	Effective Date	Statutory Exemption
Pollution Control Board	ch. 95 1/2, par. 13A-105	9/24/84	The Agency shall propose, and within 90 days the Board shall by rule establish, and may from time to time amend pursuant to Agency proposal, standards for the emission of hydrocarbons and carbon monoxide from gasoline powered motor vehicles subject to inspection under this Chapter . . . . Subsection (b) of Section 27 of the Environmental Protection Act, and the rulemaking provisions of The Illinois Administrative Procedure Act, shall not apply to rules adopted by the Board under this subsection.
	ch. 111 1/2, par. 1028.1(a)*	9/9/84 amended 1/1/89	After adopting a regulation of general applicability, the Board may grant, in a subsequent adjudicatory determination, an adjusted standard for persons who can justify such an adjustment consistent with subsection (a) of Section 27 of this [Environmental Protection] Act. . . . The rulemaking provisions of the Illinois Administrative Procedure Act and Title VII of this Act shall not apply to such subsequent determinations.
	ch. 111 1/2, par. 1022.4(d)	7/1/86 amended 1/1/89	In accordance with Section 7.2, after the adoption of regulations by the United States Environmental Protection Agency to implement Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 of the Resource Conservation and Recovery Act of 1976, as amended, or any amendments to such regulations, the Board shall adopt regulations which are identical in substance to such federal regulations. Within 180 days of receipt of the Board of notification of the adoption of regulations by the Office of the State Fire Marshal under clause (ii) of paragraph (b) of subsection (3) of Section 2 of "An Act to regulate the storage, transportation, sale and use of gasoline and volatile oils", approved June 28, 1919, as amended, the Board may also adopt regulations identical in substance to the regulations adopted by the Office of the State Fire Marshal. The rulemaking provisions of Title VII of this [Environmental Protection] Act and of Section 5 of The Illinois Administrative Procedure Act shall not apply to regulations or amendments adopted pursuant to this subsection (d).

* These exemptions were reviewed by the Joint Committee during the spring 1988 session of the 85th General Assembly.

Agency	Statutory Citation	Effective Date	Statutory Exemption
Pollution Control Board	ch. 111 1/2, par. 1013.3*	9/4/86 amended 1/1/89	In accordance with Section 7.2, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 307(b), (c), (d), 402(b)(8) and 402(b)(9) of the Federal Water Pollution Control Act, as amended. . . . The provisions and requirements of Title VII of this [Environmental Protection] Act shall not apply to regulations adopted under this Section. Sections 5 and 6.02 of "The Illinois Administrative Procedure Act" relating to procedures for rulemaking shall not apply to regulations adopted under this Section.
	ch. 111 1/2, par. 1014.2	9/24/87	Not later than January 1, 1988, the Board shall adopt procedural rules governing requests for exceptions under this subsection [groundwater protection]. The rulemaking provisions of Title VII of this [Environmental Protection] Act and of Section 5 of the Illinois Administrative Procedure Act shall not apply to such rules. A decision made by the Board pursuant to this subsection shall constitute a final determination.
	ch. 111 1/2, par. 1017.5*	1/1/89	In accordance with Section 7.2, the Board shall adopt regulations which are "identical in substance" to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act, as amended. The provisions and requirements of Title VII of this [Environmental Protection] Act shall not apply to regulations adopted under this Section. Section 5 of The Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to regulations adopted under this Section. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State.
Public Aid	ch. 23, par. 12-13	12/27/84	The provisions of "The Illinois Administrative Procedure Act", approved September 22, 1975, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department under this Act, [Public Aid Code] except that Section 5 of The Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

* These exemptions were reviewed by the Joint Committee during the spring 1988 session of the 85th General Assembly.

Agency	Statutory Citation	Effective Date	Statutory Exemption
Public Health	ch. 40, par. 904; ch. 56 1/2, pars. 77.1, and 522.1; ch. 111, par. 1127; and ch. 111 1/2, pars. 22, 22.2, 22.13, 22.33.01, 22b, 73-3.1, 86.6, 116.118 116.159, 116.324, 121h1, 133.1, 147.2, 157-8.10a, 185.13B, 218.15, 230.14, 253b, 297, 549.21a, 608-108, 620-10, 628-108, 709, 732.1, 786.1, 1224.1, 1313.1, and 2113	7/1/77	The provisions of "The Illinois Administrative Procedure Act", approved September 22, 1975, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department under this Act, except that Section 5 of The Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.
	ch. 111 1/2, par. 2223.1 ch. 122, par. 1406a ch. 111 1/2, par. 5523 ch. 111 1/2, par. 7459	11/12/81 9/25/85 11/27/85 9/24/87	The provisions of "The Illinois Administrative Procedure Act", approved September 22, 1975, are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department under this Act, except that Section 5 of The Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.
State Fire Marshal	ch. 127 1/2, par. 154	9/24/87	The Office of the State Fire Marshal shall adopt, within 120 days after the effective date of this amendatory Act of 1987 [an Act to regulate the storage, transportation, sale and use of gasoline and volatile oils], regulations or amendments thereto which are identical in substance to regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 of the Resource Conservation and Recovery Act of 1976, as amended. The rulemaking provisions of Section 5 of The Illinois Administrative Procedure Act shall not apply to regulations or amendments thereto adopted pursuant to this subparagraph (i).

Agency	Statutory Citation	Effective Date	Statutory Exemption
Sports Facilities Authority	ch. 85, par. 6008	7/1/87	The Authority may adopt such rules pursuant to The Illinois Administrative Procedure Act as are necessary to carry out those powers and duties conferred by this [Sports Facilities Authority] Act. The Authority may initially adopt, by January 1, 1989, such rules as emergency rules in accordance with the provisions of Section 5.02 of The Illinois Administrative Procedure Act. For purposes of The Illinois Administrative Procedure Act, the adoption of the initial rules shall be deemed to be an emergency and necessary for the public interest, safety and welfare.
Transportation	ch. 95 1/2, pars. 15-102, 15-107, and 15-111	7/1/83	Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph.

ILLINOIS ADMINISTRATIVE PROCEDURE ACT

EXEMPTIONS WITHIN THE ACT

Agency	Statutory Citation	Effective Date	Statutory Exemption
State Board of Education	ch. 127, par. 1002	9/27/77	The provisions of this Act shall not apply to (1) preliminary hearings, investigations or practices where no final determinations affecting State funding are made by the State Board of Education, (2) legal opinions issued under Section 2-3.7 of The School Code, (3) as to State colleges and universities, their disciplinary and grievance proceedings, academic irregularity and capricious grading proceedings, and admission standards and procedures, and (4) the class specifications for positions and individual position descriptions prepared and maintained pursuant to the "Personnel Code"; however, such specifications shall be made reasonably available to the public for inspection and copying. Neither shall the provisions of this Act apply to hearings under Section 20 of the "Uniform Disposition of Unclaimed Property Act".
College and Universities	ch. 127, par. 1002	1/1/79	
Central Management Services	ch. 127, par. 1002	1/1/81	
Financial Institutions, Department of	ch. 127, par. 1002	9/27/77	
Public Aid	ch. 127, par. 1005.02	7/18/85	No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules which may be adopted in a 24 month period does not apply to emergency rules which make additions to and deletions from the Drug Manual pursuant to Section 5-5.16 of The Illinois Public Aid Code . . . .
	ch. 23, par. 5-5.16	7/18/85	Before the Department makes effective any additions to and deletions from the Drug Manual pursuant to the above adopted rule, the Department shall adopt such additions and deletions as an emergency rule pursuant to Section 5.02 of The Illinois Administrative Procdure Act.
Public Health	ch. 127. par. 1005.02	9/17/87	No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules which may be adopted in a 24 month period does not apply to emergency rules which make additions to and deletions from . . . the generic drug formulary pursuant to Section 3.14 of the Illinois Food, Drug and Cosmetic Act.
	ch. 56 1/2, par. 503.14	9/17/87	Before the Department makes effective any additions to and deletions from the formulary pursuant to this Section, the Department shall adopt such additions and deletions as an emergency rule pursuant to Section 5.02 of The Illinois Administrative Procedure Act.
Revenue	ch. 127, par. 1005.02	9/10/87	For any law imposing taxes on or measured by income, the Department of Revenue may promulgate rules which include incorporations by reference of federal rules or regulations without identifying the incorporated matter by date and without including a statement that the incorporation does not include later amendments.

ILLINOIS ADMINISTRATIVE PROCEDURE ACT

HEARING EXEMPTIONS

Agency	Statutory Citation	Effective Date	Statutory Exemption
Alcoholism and Substance Abuse	ch. 111 1/2, par. 6352-8	7/1/88	For the purposes of this [Alcoholism and other Drug Dependency] Act, the notice required under Section 10 of The Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.
Financial Institutions	ch. 17, par. 108	7/1/78	The provisions of "The Illinois Administrative Procedure Act", as now or hereafter amended, are hereby expressly adopted and incorporated herein as though a part of this Act [Financial Institutions Code], and shall apply to all administrative rules and procedures of the Director and the Department of Financial Institutions under this Act, except that the provisions of the Administrative Procedure Act regarding contested cases shall not apply to actions of the Director under Section 15.1 of "An Act in relation to the definition, licensing and regulation of community currency exchanges and ambulatory currency exchanges, and the operators and employees thereof, and to make an appropriation therefor, and to provide penalties and remedies for the violation thereof", approved June 30, 1943, as amended, or Sections 8 and 61 of "The Illinois Credit Union Act", or to hearings under Section 20 of the "Uniform Disposition of Unclaimed Property Act".
Professional Regulation	ch. 111, pars. 1209, 1701-6, 2034, 2408, 3205 4842, 5109, 5309, 5503, 6303, 6505, and 7344	10/1/77	"The Illinois Administrative Procedure Act" is hereby expressly adopted and incorporated herein, but shall apply only to the Department of Registration and Education, as if all of the provisions of such Act were included in this Act, except that provision of paragraph (c) of Section 16 of "The Illinois Administrative Procedure Act", which provides that at hearing the licensee has the right to show compliance with all lawful requirements for retention, or continuation or renewal of the license, is specifically excluded, and for purposes of this Act the notice required under Section 10 of "The Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.
	ch. 56 1/2, par. 1501.1	9/26/80	
	ch. 111, par. 2826	7/13/82	
	ch. 111, pars. 3736, 5834, 6240, and 7027	1/1/84	
	ch. 30, par. 722	9/22/85	
	ch. 111, pars. 2355, 4254, and 7632	1/1/86	
	ch. 111, par. 3685	12/2/87	
	ch. 111, par. 6386	12/9/87	
	ch. 111, pars. 3548, 3927, 4156, and 4603	1/1/88	
	ch. 111, par. 5358	1/1/89	
	ch. 111, par. 5017	10/1/81	The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of such Act were included in this Act. For the purposes of this Act the notice required under Section 10 of the Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Agency	Statutory Citation	Effective Date	Statutory Exemption
Revenue	ch. 120, pars. 14-1408, 433.1, 439.12b, 439.50a 439.120a, 450a, 453.8a, 453.51a, 467.12b, 479a, 481b.4a, 481b.40, and 1105.1	7/1/78	The Illinois Administrative Procedure Act is hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Revenue under this Act, except that (1) paragraph (b) of Section 4 of the Administrative Procedure Act does not apply to final orders, decisions and opinions of the Department, (2) subparagraph (a)2 of Section 4 of the Administrative Procedure Act does not apply to forms established by the Department for use under this Act, and (3) the provisions of Section 13 of the Administrative Procedure Act regarding proposals for decision are excluded and not applicable to the Department under this Act.
	ch. 120, par. 467.27c	8/13/78	
	ch. 120, par. 1424	1/1/82	
	ch. 120, par. 2018	8/1/85	
	ch. 120, par. 1133	9/1/86	
Secretary of State	ch. 32, pars, 415.18 and 648	10/1/77	The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of such Act were included in this Act, except that the provision of subsection (c) of Section 16 of the Illinois Administrative Procedure Act which provides that at hearing the licensee has the right to show compliance with all lawful requirements for retention, or continuation or renewal of the license, is specifically excluded, and for the purposes of this Act the notice required under Section 10 of The Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.
	ch. 32, par. 1.50	7/1/84	
	ch. 32, pars. 101.50	1/1/87	
	ch. 106 1/2, par. 162.3	7/1/87	

AGENCY FEES FOR REPRODUCTION OF PUBLIC RECORDS

House Resolution 924, sponsored by Representative Bowman and Representative Currie, passed during the 1987 veto session. The resolution notes the provision of the Freedom of Information Act that allows each public body to charge fees that will cover the actual cost to the agency for reproducing and certifying public records, and the varied fee levels set by State agencies for photocopying public records. The resolution, which points out that there is a wide variation in the fees charged by agencies, with such fees ranging as high as one dollar per page and that even the usual fee of twenty-five cents per page is higher than the rates charged by for-profit businesses, states that "these facts suggest that agencies frequently charge an amount greater than their actual costs." In addition, the resolution resolves that the Joint Committee on Administrative Rules establish an "objective standard" for determining the appropriate fees that should be charged by agencies for such photocopying.

In response to House Resolution 924, Joint Committee staff developed a questionnaire that was sent to state agencies in order to ascertain the fees that each agency is currently charging for photocopying public records in compliance with the Freedom of Information Act, and the agency's rationale for that particular fee level. Agencies were surveyed regarding fees for reproduction of paper originals, microfiche, film, audio tape, computerized records, and agency publications, and the actual cost to the agency for the reproduction of each type of public record. Questionnaires were sent to ninety-eight state agencies and the Joint Committee received seventy-three responses. Joint Committee staff tabulated and analyzed the completed questionnaires and compiled the attached table and graph detailing the agency responses to the questionnaire.

The answers received were not always thorough nor easily understood. For example, agencies often do not know what their "actual cost per sheet" for reproducing records really is. In answering this question, agencies often simply cited what they customarily charge or they added in staff time for gathering the information to be copied. This poses a problem because Section 6 of the Freedom of Information Act specifically establishes "actual cost," excluding the "costs of any search for and review of the record," as the standard for setting the maximum fee that can be charged by an agency for reproducing public records.

Why don't agencies know the actual costs they are incurring for reproduction? A senior marketing executive for Xerox was asked how actual cost can be calculated. He explained that many variables figure into calculation of cost. For example, the cost of paper, ink, and other machine supplies varies over time. Also, the cost of the machine and its maintenance varies depending on purchase and lease agreements, the size and complexity of the equipment, and frequency of use. Generally, copy costs are inversely related to volume, but savings can be affected by other variables such as whether single or double-sized copying is being done. An "actual cost" of one and one-half cents per page might be possible on some machines if paper and supplies were purchased at a very low price. However, twenty-five cents can be considered a "good average" cost figure considering all the possible variables.

Of the seventy-three agencies that returned the questionnaire, eighteen charge ten cents per page for paper copies, twenty charge less than ten cents, and thirty-five agencies charge more. Twenty-five cents is the most frequently charged amount with twenty-one agencies setting this fee. Sixteen agencies indicate that they provide paper copies free of charge, seven agencies provide free copies up to a predetermined amount before they charge a fee, and one agency reduces its fee when a copying request exceeds a certain number of copies. The availability and charges for microfiche, computer records, publications and certification of records also vary from agency to agency and are indicated in the attached table.

With the passage of Public Act 85-1357, effective January 1, 1989, which amends Section 6 of the Freedom of Information Act, agencies will be waiving photocopying fees more often for requests for copies from non-profit organizations and for all others whose requests for information are in the public interest. Public Act 85-1357 removes some of the broad discretion formerly granted to agencies for determining when reduction or waiver of fees is in the public interest by specifying that waiver or reduction of a fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefits.

It must also be noted that the Freedom of Information Act allows agency fees to exceed actual cost if otherwise provided by state statute. Several agencies' fees are indeed set by statute. For instance, Section 408 of the Illinois Insurance Code authorizes the Department of Insurance to charge one dollar per page for copies of papers or records. The Insurance Code also authorizes the Department to reduce such fees when it finds them excessive, and to waive the fee when it considers such waiver to be in the public interest. In fact, the Department charges one dollar per page for requests from regulated insurance agents or firms, reduces this fee when numerous copies are requested, and provides free copies for requests from other government agencies or from the general public.

The survey results indeed show a wide variation in charges. More importantly, the agencies' answers concerning actual cost of making copies show that most, if not all, of the agencies do no know what the actual cost of reproducing records is, and, thus, their fees are not based upon a calculation of actual costs. This is an important point to emphasize because the Freedom of Information Act already clearly sets the standard to be used for calculating reproduction fees. Section 6 of the Act specifies that "actual cost" of reproduction, exclusive of staff time to gather the information, shall be the standard for determining the maximum fees charged. In light of the fact that the Freedom of Information Act already provides a standard for determining reproduction fees, the problem appears to be difficulty or confusion in applying the standard rather than lack of a standard. As the representative of Xerox explained, calculating "actual cost" can be difficult and costs can change over time as the variables that impact upon cost change.

Several agencies' response to the survey question concerning actual cost was that they have no way of calculating actual cost. When the costs of the variables that go into the total cost are known, actual cost can be

determined. As an example, Joint Committee staff calculated the actual cost of photocopying for FY 1988 on the Joint Committee's Xerox 1090 copier. The costs of the equipment lease, maintenance agreement, additional charges for maintenance of machine accessories and features, meter charges that exceeded the monthly meter allowance, paper, dry ink, and developer were used with the total number of copies for the year to obtain the actual cost of 4.2 cents per copy. This amount, however, does not include the cost of electricity or postage. The majority of copies requested from the Joint Committee staff are mailed to the requestor.

Based on the analysis of agency responses to this survey, the following conclusions were drawn:

Conclusions

Section 6 of the Freedom of Information Act provides that actual cost of reproduction, exclusive of staff time to gather the information, shall be the standard for determining the maximum fees charged by state agencies for the reproduction of public records.

Many agencies do not base the fees they charge on actual cost of reproduction. For example, agencies often include in their fees staff time for gathering information to be photocopied.

Actual cost of photocopying is difficult to calculate because many variables, such as the cost of paper and ink, purchase and lease agreements, and the size and complexity of the equipment, figure into the calculation of cost. In addition, the variables that affect total cost change over time, further complicating the determination of actual cost.

The Freedom of Information Act allows agency fees to exceed actual cost if otherwise provided by state statutes, and several agencies' photocopying fees are set by statute.

Recommendations

In view of the conclusions drawn from the analysis of agency responses to the questionnaire pursuant to House Resolution 924, the following recommendations were made by the Joint Committee at its December 15, 1988 meeting:

Recommendation 1

The Joint Committee voted to recommend that a copy of this report be submitted to each state agency.

It is hoped that this report will prove useful to state agencies. The survey results will allow an agency to compare the fees it charges to the fees of other similar agencies. Agencies may be prompted by the results of this survey to examine their photocopying fees and to determine whether current fee levels are in the public interest, or whether fees discourage the general public from obtaining copies of public records. It is also hoped that this report may provide an impetus to agencies for evaluation of the extent to which their fees are based on actual cost, as required by the Freedom of Information Act, and the extent to which variables other than components of actual cost are used to determine photocopying fees.

Recommendation 2

The Joint Committee voted to suggest to all State agencies that they periodically review their calculations regarding actual cost of photocopying, and make adjustments in the fees charged for copying requests as necessary, through internal rulemaking, pursuant to Section 4.01 of the Illinois Administrative Procedure Act.

In addition, the Joint Committee voted to suggest that the Freedom of Information Act be amended to require that all State agencies review their calculations regarding actual cost of photocopying at least once every two years, and make adjustments in the fees charged for copying requests as necessary, through internal rulemaking, pursuant to Section 4.01 of the Illinois Administrative Procedure Act.

The Joint Committee further suggested that the Freedom of Information Act be amended to require that all State agencies make available upon request a copy of the calculations of actual cost upon which their photocopying fees are based.

Section 6 of the Freedom of Information Act requires that fees charged by State agencies for photocopying public records shall not exceed the actual cost to the agency of reproducing records, excluding the costs of any search for and review of such records. As the results of the survey regarding photocopying fees indicated, many agencies have never calculated their actual cost of photocopying. In order to comply with the requirements of the Freedom of Information Act, fees must be based on actual cost. Thus, it is necessary for agencies to calculate actual cost.

Due to variations in the cost of equipment and services, the costs of components that comprise actual cost fluctuate over time, in turn, changing

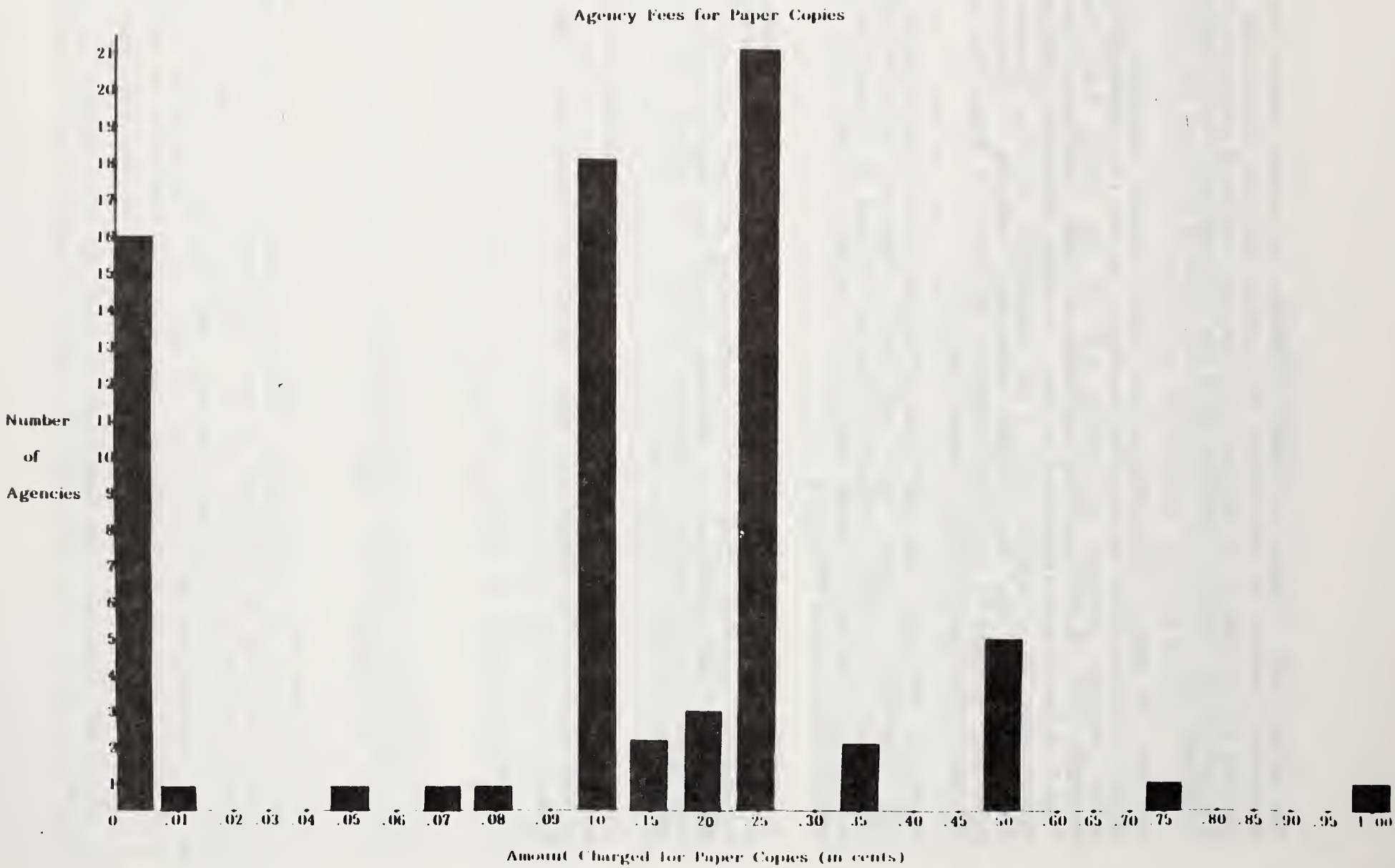
the actual cost. Because of these variations, an agency would need to periodically review its calculations of copying costs to ensure that fees charged by the agency for copying public records are based on actual cost to the agency, and are in compliance with the requirements of the Freedom of Information Act.

Revisions of agency photocopying fees would require amendment of the agency's internal rules that specify procedures on how the public can obtain public records, pursuant to Section 4.01 of the Illinois Administrative Procedure Act. Rules regarding availability of public records are found in Title 2 of the Illinois Administrative Code. In order to amend such rules an agency must file a certified copy of the amendments with the Secretary of State, and the rule may become immediately effective. The internal rulemaking process is not burdensome to agencies and keeps the public informed of pertinent changes in agency policy.

Therefore, the Joint Committee voted to suggest to all State agencies that they periodically review their calculations regarding actual cost of photocopying, and make adjustments in the fees charged for copying requests as necessary, through internal rulemaking, pursuant to Section 4.01 of the Illinois Administrative Procedure Act.

In addition, the Joint Committee voted to suggest that the Freedom of Information Act be amended to require that all State agencies review their calculations regarding actual cost of photocopying at least once every two years, and make adjustments in the fees charged for copying requests as necessary, through internal rulemaking, pursuant to Section 4.01 of the Illinois Administrative Procedure Act.

The Joint Committee further suggested that the Freedom of Information Act be amended to require that all State agencies make available upon request a copy of the calculations of actual cost upon which their photocopying fees are based.


Agency Fees for Paper Copies
Number of Agencies
21
20
19
18
17
16
15
14
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12
11
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8
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6
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2
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.30
.35
.40
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.50
.60
.65
.70
.75
.80
.85
.90
.95
1.00
Amount Charged for Paper Copies (in cents)

TABLE 19

AGENCY FEES* FOR REPRODUCTION OF PUBLIC RECORDS

Agency	Copy from paper original	Microfiche	Computerized Records	Publications	Document Certification
AMLRC	.10	.10	.10	one copy free	1.00
Aging	.75 1st page .10 subsequent pages	.75 1st page .10 subsequent pages	.10	based on cost to Dept.	.0
Agriculture	.10	contracted out	.05	no charge	.50/request
Legis. Audit Comm.	.0				
Aud. Gen.	.10	N/A	.35	.10	.50
Comm. B & T	.25		25.00 per printout of St. & Natl. Bank listing 35.00 mailing labels		25.00 per cert. 5.00 per search
CDB	.25	1.00	.50	.25	.50
CMS	.10	.10/frame	35.00/minute computer time	no charge for single copies	N/A
DCFS	.10	commercial charge	4.10/100 pages	actual cost	no established charge
Civil Service Comm.	.25				

*Fee charged is per page unless otherwise indicated.

AGENCY FEES FOR REPRODUCTION OF PUBLIC RECORDS

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Comptroller	.35	.35	.35	.35	
Conservation	.20	N/A	N/A	.0	N/A
ICEO	.25	.50	1.00		.0
CJIA	.0	.0	.0	.0	.0
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AGENCY FEES FOR REPRODUCTION OF PUBLIC RECORDS

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ESDA	.0				
DES	.25	.25	.25	.25	.25
H. Export Devel. Auth.	.0				
H. Farm Devel. Auth.	.0				
HCCCC	.0				
BHE	.25	.50	1.00		.0
Indep. Higher Educ. Loan Auth.	has not reproduced public records				
HC	.0	.0	1.50	.0	.0
Intergovt. Coop. Comm.	.0	.0	.0	.0	.0
DFI	.50				

AGENCY FEES FOR REPRODUCTION OF PUBLIC RECORDS

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GAC	.10	N/A	.50	actual cost	1.00/cert.
Bd. of Governors	.08			based on cost	.0
Govs. Pur. Care Rev. Bd.	.10	N/A	.10	N/A	N/A
HPA	.20	N/A	N/A	varies	.0
HDA	.25				.0
HRC	.0 10 pages or less .10 more than 10 pages				
Insurance	1.00 for regulated companies and agents .0 for consumers and other State agencies		varies	.0	10.00 for 1st copy 5.00/addt. copies
Labor	.25	N/A	.25	.0	.0
Lieut. Gov.	.10	N/A	N/A	N/A	1.00
LCC	.10	1.00	.10	N/A	N/A
HGLEOTB	.0				

AGENCY FEES FOR REPRODUCTION OF PUBLIC RECORDS

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Medical Center Comm.	.25	1.00	.50		
Mil. & Naval	.10	.25	.10	.01	N/A
D M & M	first 10 copies free .20	.20			
DNS	.10	N/A	.50	.0	N/A
PCB	.25			Envir. Reg. 300.00/year	
Prairie State 2000 Auth.	.0				
PRB	.25				
DPR	.50			.50	.0
PTAB	.25	.0	.0	based on cost	.0
DPA	.25	.25	.25		

AGENCY FEES FOR REPRODUCTION OF PUBLIC RECORDS

Agency	Copy from paper original	Microfiche	Computerized Records	Publications	Document Certification
DPH	.0 3 pages or less .25 4 pages or more		.10		
Revenue	.25		actual cost	based on actual cost	3.00
Il. Racing Board	.25			.25	
Comm. S & L	.25	N/A	N/A	N/A	N/A
SOS	.50				2.00
SOS Merit Comm.	.50			.50	
SIU	.10	.24/card .6/page	.10	actual cost	.50
St. Community College	.0				
SERS	.0	.0	.0	.0	N/A
OSFM	.07	N/A	.10	.0	.50
S & LLRB					

AGENCY FEES FOR REPRODUCTION OF PUBLIC RECORDS

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DSP Merit Board	does not copy public records				
ISSC	.25	.50			
St. Univ. Civil Service System	.10		.0	.0	.0
St. Univ. Retirement System	.10	.20	varies	N/A	.0
TRS	.01	.01	.02/sheet 250.00/hour computer time	.0	.0
DOT	.10	paper .08 film .75	615.00/hour computer time .33/1000 lines paper printout	varies	1.00
Treasurer	.35		1.00		
U of I	.25	.25	varies	.25	
DVA	.0				

TABLE 16

FEES FOR PAPER COPIES BY SPECIFIC AGENCIES

.0	.01	.05	.07	.08	.10	.15	.20	.25	.35	.50	.75	1.00
Legis Audit Comm.	TRS	SBEd	OSFM	Bd.of Governors	AMLRC	EdLRB	Conserv.	Comm.S&T	Comptroller	DFI	Aging	Ins.
ICCB					Agri.	IDFA	IPA	CDB	Treasurer	Lottery		
CJIA					Aud.Gen.		DM&M	Civil Ser. Comm.		DPR		
Econ. & Fiscal Comm.					CMS			ICC		SOS		
Educ. Fac. Auth.					DCCA			ICEO		SOS Merit. Comm.		
ESDA					DCFS			DES				
Il. Export Devel. Auth.					St.Bd.of Elections			BHE				
Il. Farm Devel. Auth.					GAC			IDA				
HCCCC					Govs.Pur. Care Rev. Bd.			Labor				
HC					IHRC			Med.Ctr. Comm.				
Intergovt. Coop. Comm.					Lieut.Gov.			PCB				
ILGLEOTB					LCC			PRB				
Prairie State 2000 Auth.					Mil.&Naval			PTAB				
St. Community College					DNS			DPA				
SERS					SIU			DPH				
DVA					St.Univ. Civil Service System			Revenue				
								Il.Racing Bd.				
								Comm.S&L				
					SURS			DSP				
					DOT			ISSC				
								U of I				

PUBLICATIONS OF THE JOINT COMMITTEE

In an attempt to aid state agencies in promulgating rules, and members of the general public in understanding rules and the rulemaking process, the Joint Committee offers the following publications:

Illinois Regulation, the Joint Committee's weekly publication summarizing the regulatory changes of State agencies, is currently distributed to all members of the General Assembly, State agency rules coordinators, lobbyists, and approximately 500 businesses, chambers of commerce, libraries, government agencies, law firms, and other interested individuals and entities. The publication summarizes proposed and adopted rules according to subject area. Illinois Regulation is the result of the Regulatory Flexibility Law which became effective in 1982 and which required agencies to provide some flexibility in rules imposing a burden upon small businesses. In order to implement this law, small businesses are encouraged to raise issues and to suggest alternatives to rulemakings proposed by State agencies. The publication has been expanded to provide information regarding agency rulemakings to a broader spectrum of entities and individuals, and is directed towards the individuals being regulated, rather than the regulating entities.

In addition to Illinois Regulation, the Joint Committee has published a revised Guide to the Illinois Administrative Procedure Act. The Guide provides a clear section-by-section explanation of the Act to participants and potential participants in the rulemaking process. The Joint Committee is confident that the Guide will increase participants' awareness of the process, and, therefore, increase their ability to influence the substance of rules through increased levels of public participation in the rulemaking process.

In addition to the above publications, the Joint Committee has developed an index designed to be a useful research tool. The Joint Committee has compiled the text of every objection and recommendation it has issued since the Committee's inception in 1978 into a set of volumes. A comprehensive set of indices to the volumes were developed so that objections and recommendations can be located by agency or by Administrative Code citation. The actions were also classified by type so that all objections or recommendations issued on a particular basis (e.g. lack of statutory authority) can be located. The index system has contributed significantly to the ability of the Joint Committee to give precedential value to past objections and recommendations. The 1988 volume of the Index and Text of Objections and Recommendations covering Joint Committee action over the past year will be published in early 1989.

The publications and other materials prepared by the Joint Committee during 1988 demonstrate the Committee's commitment to ensuring that the affected public is aware of State regulatory activities, and that State agencies fully consider the ramifications of such activities prior to implementation.

COURT DECISIONS AND ATTORNEY GENERAL OPINIONS

Section 7.05 of the Illinois Administrative Procedure Act requires that the Joint Committee study the impact of court rulings and administrative actions on agency rules and rulemaking. In order to carry out this responsibility, the Joint Committee reviews court decisions and Attorney General opinions, and monitors pending litigation which may affect administrative rulemaking. Several noteworthy decisions and opinions involving interpretations of the Illinois Administrative Procedure Act were issued recently. The following is a brief summary of those decisions and opinions.

In Cole v. Industrial Commission et al., 116 Ill. Dec. 866, 519 N.E.2d 1081 (First Dist. 1988), Cole filed an application for adjustment of claim, under Section 19(b-1) of the Worker's Compensation Act, for injuries she had allegedly received after being run over by an automobile. The arbitrator denied benefits, finding claimant failed to prove her injuries arose out of and in the cause of her employment. Cole filed a petition to review the decision with the Industrial Commission and requested leave to offer additional evidence. The Commission declined to review the decision on the basis of Cole's failure to file a written summary or brief as required by Commission rule. Cole contended in her appeal that the application of Commission's rules found at 50 Ill. Adm. Code 7040.10(c) and 7020.80(b)(4)(c) violates Section 19(e) of the Act which provides for introduction of new evidence before the Commission at all hearings. Section 7040.10(c) of the Commission's rules permits the introduction of additional evidence only if a hearing is permitted before the Commission. Section 7020.80(b)(4)(c) provides that no hearing may be held upon review of petitions under Section 19(b-1) of the Act. The First District Appellate Court points out that "operation of the Commission rules nullifies the legislative directive allowing the introduction of additional evidence before the Commission upon review of 19(b-1) proceedings." The Court also notes that the conflict between the statute and the rules dates back to the 83rd General Assembly. In July 1983, the legislature passed P.A. 83-1051, which established proceedings for immediate hearings now available under Section 19(b-1) and included Section 19(b-2), which contained the language "no new evidence will be heard by the Commission." Subsequent to enactment of that legislation, the General Assembly passed P.A. 83-1125 on June 30, 1984. Public Act 83-1125 retained the substance of Section 19(b-1) contained in P.A. 83-1051, but eliminated much of the language of Section 19(b-2) and specifically struck the language prohibiting introduction of new evidence at hearings. Public Act 82-1125 also amended Section 19(e) of the Act to make clear that provisions of Section 19(e) apply to Section 19(b-1) proceedings. Therefore, the Court held that "any rules of the Commission or interpretation thereof which predicates the introduction of additional evidence in Section 19(b-1) review proceedings on the right to have a formal hearing" is in direct conflict with Section 19(e) of the Act and beyond the Commission's authority.

In Peoples Gas Light and Coke Company v. Illinois Commerce Commission, 117 Ill. Dec. 56, 520 N.E.2d 46 (First Dist. 1987), Peoples Gas, North Shore Gas Company and Central Illinois Light sought review by the Court of an Illinois Commerce Commission order involving the Illinois Residential Affordable Payment Plan (IRAPP) and the Illinois Energy Assistance Act (Ill. Rev. Stat.

1987, ch. 111 2/3, par. 1301 et seq.). The petitioners contended that rules adopted by the Illinois Commerce Commission are inconsistent with and violate the Illinois Energy Assistance Act. The petitioners also contended that the rules were beyond the scope of the Illinois Commerce Commission's authority pursuant to the Act. The First District Appellate Court held that the IRAPP rules, as adopted by the Commission, fall within the purview of the Commission's authority and are consistent with the wording and intent of the Act.

In County of Macon v. Board of Education of Decatur School District No. 61, 116 Ill. Dec. 31, 518 N.E.2d 653 (Fourth Dist. 1987), the Decatur School District maintained that the Macon County Health Department had failed to comply with the Illinois Administrative Procedure Act in enacting the Macon County Food Service Ordinance. Decatur contended that Macon County derived its authority from the State of Illinois Department of Public Health and was, therefore, a unit of state government. The First Appellate Court held that the Macon County Health Department is a unit of local government and, therefore, exempt from the provisions of the Illinois Administrative Procedure Act. The Court stated that both the Illinois Constitution and Illinois Revised Statutes expressly define "county" as a unit of local government.

On March 21, 1988, the Attorney General of the State of Illinois issued an opinion interpreting whether Assistant Attorney General staff positions, which are funded by the Department of Revenue, are subject to Department of Central Management Services' rules at 80 Ill. Adm. Code 302. The Attorney General stated that any person who performs legal services for the State of Illinois, notwithstanding the agency of State government which compensates the person, is subject in all respects to the control of the Attorney General and that the Attorney General possesses the exclusive power to appoint persons to the position of Assistant Attorney General. Therefore, the positions are staff positions under the Attorney General. The Personnel Code and the Department of Central Management Services' rules promulgated thereunder apply only to employees holding civil service positions in State service.

APPENDIX A
HISTORY OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES AND THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

By the mid-1970's, Illinois had 65 major agencies and nearly 250 smaller boards and commissions. The courts had ruled that administrative rules have the effect of law, and decisions rendered by those bodies conceivably affected the lives of more Illinois citizens than any other in government. Yet, observers of the scene found that organization among these agencies was complex, duplicative and chaotic. Indeed, at the time, no single source could produce a complete organization chart or even a listing of all Illinois agencies, boards and commissions. The goals of good government had been clear for generations. Government is accountable to the people for the effective, efficient and economic delivery of services. Toward this end, the federal government had enacted the federal Administrative Procedure Act in the 1940's, and in September 1975, the Governor signed Public Act 79-1083, effective September 22, 1975, creating the Illinois Administrative Procedure Act.

The Illinois Administrative Procedure Act established four categories of administrative proceedings: rules, contested cases, licenses and rate-making. The Governor's message accompanying the signing of the Act pointed out that this legislation formalized some common procedures, such as public hearings on proposed rules. The message also called the public petition procedures innovative and endorsed the establishment of rulemaking requirements. However, it soon became apparent that the establishment of rulemaking requirements would conflict with Section 2 of the Act which exempted agencies from compliance with any part of the Act except as expressly stated in the law which created or conferred power upon that agency.

In 1977, Section 2 was amended by Public Act 80-1035 (House Bill 14, effective September 27, 1977) to make the Act applicable to every agency, except as specified. Agencies have continued to claim an exemption because they are not an "agency," as defined in the Act, or to excuse lack of rules for on-going programs because legislation creating the program failed to specify that rulemaking was required. Most agencies, however, have cooperated in the rulemaking process. This has been particularly true since Illinois regulations were codified by the Office of the Secretary of State in January 1985. As a result, rulemaking is now more widely understood by both professionals and the affected public.

Public Act 80-1035 also created the Joint Committee on Administrative Rules in 1977. The function of the Joint Committee under the amended Administrative Procedure Act can be broadly stated as an on-going review and comment function in relation to newly proposed rules, investigation and resolution of complaints arising from rulemaking, and review of new public acts that may require rulemaking. For too long, said the first Chairman of the Joint Committee, Representative Harry Yourell, the legislature had been content to pass legislation without systematically ensuring that agencies charged with the task of implementing that legislation were properly interpreting and complying with the intent of the legislation. In addition to making the Act's rulemaking and hearing provisions applicable to all state agencies and the creation of the

Joint Committee on Administrative Rules, Public Act 80-1035 made several other changes in the Act, including creation of the Illinois Register, a weekly publication of the Secretary of State which informs the public of all rulemaking activity by State agencies.

The minutes of the monthly meetings during the first year show that the Joint Committee dealt with issues commonly facing a new organization, such as staffing and office space, as well as substantive issues about rulemaking and interpretations of the Illinois Administrative Procedure Act. For example, within the first few months, the Joint Committee had reviewed its powers and duties and, based on the separation of powers clause in the 1970 Illinois Constitution, found them to be advisory only. The Joint Committee sent guidelines to all State agencies to assist them in complying with provisions of the Act and prepared an amendment to clarify that all boards of State institutions of higher education were affected by the Act. By the third meeting in January 1978, the Joint Committee was reviewing proposed rules published in the Illinois Register. Objections were issued to several of the rules. At this time, all negotiations between the Joint Committee and a rulemaking agency took place at the monthly meeting, a practice that on occasion resulted in very long meetings. The question of court-ordered rule changes was first considered by the Joint Committee in February 1978. A court had ordered an amendment to the Illinois Department of Public Aid's rule on physician services for medically necessary abortions for a public aid recipient. Legislation was drafted and presented at the March 23, 1978 meeting to establish a new category of rulemaking for rules required by court order or federal rules and regulations ("peremptory" rulemaking). But it was not until a year and a half later that the Act was amended by Public Act 81-1044 (effective October 1, 1979) to authorize this category of rulemaking.

By March 1978, the Joint Committee had established July 1, 1980, as the deadline for agencies to prepare and submit a compilation of all their rules. In addition, legislation was drafted to require that rules contain specific standards and criteria to permit the affected public to understand the basis on which agency discretion was to be used. This standards and criteria amendment did not become effective until July 1, 1980 (Public Act 81-1129). In March 1978, the Joint Committee also discussed amending the Illinois Administrative Procedure Act to place the burden of proof upon agencies asserting the validity of contested rules in court cases involving rules which have been objected to by the Joint Committee, whenever such agencies have refused to remedy Joint Committee objections. This concept has yet to be enacted.

By the end of its first full year, the Joint Committee had reviewed nearly 500 rulemakings and prepared a legislative package that contained 23 recommended bills. In its second year of operation, 1979, the Joint Committee examined over 525 rulemakings, issued 65 statements of objection and implemented the five-year rules review program. Agency rulemaking increased in 1980 during which time the Joint Committee reviewed nearly 700 proposed, emergency and peremptory rulemakings and completed 9 detailed reviews of 28 sets of existing rules. Agency rulemaking has generally continued to increase during the years that the Joint Committee has compiled data. The tables show a comparison of general, emergency, and peremptory rulemaking from 1979 (1981 for emergency and peremptory) through 1988 and illustrate the rulemaking activity of State agencies during that time.

The Illinois Administrative Procedure Act has been continually evolving since 1977. In addition to the creation of the Joint Committee on Administrative Rules as an oversight body, which became a Legislative Support Services Agency in 1984, the Act has been amended to deal with numerous problems which have arisen. One of the most significant has been the implementation of the small business and small municipality flexibility requirements imposed pursuant to Sections 3.10, 4.03, 5.01, and 7.06 of the Act. These Sections require agencies to consider the impact of rules upon small businesses and small municipalities and, if feasible, suggest alternatives to those rules. Several other legislative changes have been made in the Act to remedy specific problems. Public Act 84-469, effective January 1, 1986, provides that pay rates established pursuant to the Personnel Code can be amended using the peremptory rulemaking process within 30 days after such amendment is necessary due to a conflict between the rates and the terms of a collective bargaining agreement. Public Act 84-576, also effective January 1, 1986, prohibits agencies from using the peremptory rulemaking process to implement consent orders or other negotiated settlements. The Act also provides that emergency rulemaking may be used in these instances. Public Act 84-1329, effective September 9, 1986, permits the second notice period to be extended upon the mutual agreement of the Joint Committee and the agency. Two new sections have been added to the Act. Section 5.04, effective January 1, 1985, provides that, under certain conditions, a rule can be automatically repealed, and Section 5a, effective July 1, 1986, provides for the publication of a regulatory agenda.

Several amendments to the Illinois Administrative Procedure Act were passed during the 85th General Assembly. Public Act 85-317 and Public Act 85-367 are identical. These acts amend the Illinois Administrative Procedure Act to permit a state agency to issue declaratory rulings concerning whether compliance with a federal rule will satisfy the purposes and provisions of the state agency's similar, applicable rule. Public Act 85-340 allows the Department of Revenue to incorporate federal rules or regulations by reference without identifying the incorporated matter by date and without including a statement that the incorporation does not include later amendments, in circumstances where the Department is promulgating rules imposing taxes on or measured by income. Public Act 85-451 extends the exemption from the limitation on the number of emergency rules which may be adopted in a 24-month period to include emergency rules that make additions to and deletions from the generic drug formulary pursuant to Section 3.14 of the Illinois Food, Drug and Cosmetic Act. Public Act 85-587 amends the definition of "small business" to include a corporation organized under the General Not for Profit Corporation Act of 1986. The above mentioned Public Acts were effective on or before January 1, 1988. In the last year, Public Act 85-1048, effective January 1, 1989, was passed. Public Act 85-1048, which amends Section 6.01 of the Illinois Administrative Procedure Act, provides that the Secretary of State shall accept for publication in the Illinois Register all Pollution Control Board documents, including Board opinions, which the Board deems appropriate for publication. Thus, the Act will continue to evolve as problems concerning administrative rulemaking arise.

TABLE 17
COMPARISON OF GENERAL RULEMAKING BY AGENCY
1979 THROUGH 1988

AGENCY	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Abandoned Mined Lands Reclamation Council	-	-	1	-	-	2	-	2	-	-
Administrative Rules, Joint Committee on	5	1	1	1	-	-	-	3	5	-
Administrative Services, Department of (1)	-	7	7	1	-	-	-	-	-	-
Aggregate Mining Problems Study Commission	-	-	1	-	-	-	-	-	-	-
Aging, Department on	1	6	6	4	4	6	3	2	1	3
Agriculture, Department of	17	14	16	24	18	41	15	11	26	21
Alcoholism and Substance Abuse, Department of (2)	-	-	-	-	-	2	5	6	3	6
Attorney General	1	2	-	3	2	3	2	2	2	3
Auditor General	5	2	1	4	1	3	1	-	-	-
Banking Board of Illinois, State	-	-	-	-	-	-	-	-	-	2
Banks and Trust Companies, Commissioner of	5	3	-	6	-	-	-	6	3	6
Capital Development Board	1	3	-	3	-	2	9	4	6	3
Carnival-Amusement Safety Board	-	-	-	-	-	-	-	2	3	-
Central Management Services, Department of (1)	-	-	-	3	16	18	10	14	11	11
Children and Family Services, Department of	2	60	1	26	10	23	14	22	3	9
Cities and Village Municipal Problems Commission	-	-	1	-	-	-	-	-	-	-
Civil Service Commission	-	-	2	-	-	2	-	-	-	-
Civil Service Merit Board, University	-	-	3	-	1	-	-	-	-	-
Civil Service System, State Universities	-	-	-	-	-	2	1	1	1	2
Commerce and Community Affairs, Department of	-	-	1	8	4	20	29	29	18	17
Commerce Commission, Illinois	-	-	10	21	19	43	22	20	86	24
Commission Review Board	-	-	-	-	-	-	-	1	-	-
Community College Board, Illinois	11	19	-	1	2	3	2	2	2	5
Comptroller	2	4	3	4	4	3	1	5	3	4
Condominium Study Commission, Joint	-	-	1	-	-	-	-	-	-	-
Conservation, Department of	92	75	108	33	34	36	34	33	27	24
Cook County Local Records Commission	-	-	-	-	-	-	-	1	-	-
Corrections, Department of	23	38	24	15	66	-	1	10	8	5
County Problems Commission	-	-	1	-	-	-	-	-	-	-
Court of Claims		-	-	-	-	1	-	-		-
Criminal Justice Information Authority, Illinois	2	-	-	-	-	-	1	1	2	-
Dangerous Drugs Advisory Council	-	-	2	-	-	-	-	-	-	-

TABLE 17
COMPARISON OF GENERAL RULEMAKING BY AGENCY
1979 THROUGH 1988

AGENCY	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Dangerous Drugs Commission (2)	-	-	2	3	3	2	-	-	-	-
Development Finance Authority	-	-	-	-	-	-	-	4	1	-
East St. Louis, Board of Trustees of the State Community College of	-	-	-	2	1	-	1	-	-	-
Education, Board of Higher	3	2	5	-	-	20	5	3	-	1
Education Loan Authority, Illinois Independent Higher	-	-	-	-	2	1	1	2	1	-
Education, State Board of	4	9	8	3	7	5	12	30	12	9
Educational Facilities Authority, Illinois	-	1	-	2	1	1	-	2	1	-
Educational Opportunity, Illinois Consortium For	-	-	-	-	-	-	-	1	-	-
Elections, State Board of	1	8	3	7	3	4	1	-	3	-
Emergency Services and Disaster Agency	-	-	2	9	7	-	-	3	2	2
Employment Security, Department of (3)	-	-	-	-	-	3	13	10	5	19
Energy and Natural Resources, Department of	-	-	-	2	1	-	3	-	2	-
Energy Resource Commission	-	-	1	1	-	-	-	-	-	-
Environmental Protection Agency	12	10	16	18	20	21	10	8	14	16
Ethics, Board of	-	-	-	-	-	-	-	-	-	1
Experimental Organ Transplantation Procedures Board, Illinois	-	-	-	-	-	-	1	1	-	1
Export Development Authority	-	-	-	-	-	-	1	1	1	1
Fair Employment Practices Commission	3	-	-	-	-	-	-	-	-	-
Farm Development Authority, Illinois	-	-	-	1	1	2	1	2	3	2
Financial Institutions, Department of	10	8	3	-	3	9	4	2	3	4
Fire Marshal, Office of the State	2	1	1	7	3	5	3	3	5	1
Governors of State Colleges and Universitjtes, Board of	-	-	-	-	-	-	-	-	-	1
Governor's Purchased Care Review Board	6	2	1	-	1	1	1	-	1	-
Guardianship and Advocacy Commission	-	2	1	2	2	1	3	-	-	-
Health Care Cost Containment Council, Illinois	-	-	-	-	-	-	10	1	3	2
Health Coordinating Council, Statewide	1	-	2	-	-	-	-	-	-	-
Health Facilities Authority, Illinois	2	-	1	-	-	-	-	-	-	-
Health Facilities Planning Board	1	-	-	-	-	2	1	9	3	3
Health Finance Authority	1	5	1	1	-	-	-	-	-	-
Hearing Aid Consumer Protection Board	-	-	-	-	-	-	-	-	1	-
Housing Development Authority, Illinois	-	1	-	-	3	3	5	1	1	1

TABLE 17
COMPARISON OF GENERAL RULEMAKING BY AGENCY
1979 THROUGH 1988

AGENCY	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Human Rights Commission	-	-	1	1	2	2	-	1	-	-
Human Rights, Department of	-	-	5	4	3	1	-	1	-	-
Illinois, Board of Trustees of the University of	-	-	1	-	1	1	1	1	-	2
Industrial Commission	1	3	2	3	1	2	7	2	-	-
Insurance, Department of	14	17	13	13	4	25	9	11	9	12
Investment, Illinois State Board of	3	1	-	1	2	-	-	-	-	-
Labor, Department of (3)	6	3	7	8	8	5	3	3	1	2
Labor Relations Board, Illinois Educational	-	-	-	-	-	4	3	-	-	2
Labor Relations Board, Illinois Local	-	-	-	-	-	4	1	8	-	4
Labor Relations Board, Illinois State	-	-	-	-	-	4	1	8	-	4
Law Enforcement Commission	-	-	2	-	-	-	-	-	-	-
Law Enforcement Merit Board, Department of	2	1	-	1	1	4	1	-	-	-
Legislative Information System	-	2	-	2	1	-	-	-	-	-
Liquor Control Commission, Illinois	-	-	-	-	1	-	-	-	-	1
Local Government Affairs, Department of	-	3	-	-	-	-	-	-	-	-
Local Government Records Commission	1	-	-	-	-	-	-	-	-	-
Local Governmental Law Enforcement Officers Training Board, Illinois	-	-	-	-	4	1	-	2	1	-
Lottery, Department of (4)	2	-	-	-	-	-	-	2	-	2
Medical Center Commission	1	-	-	-	-	-	-	-	-	-
Mental Health and Developmental Disabilities, Department of	13	4	8	3	3	5	8	2	3	3
Military and Naval Department	-	-	-	-	-	-	1	-	-	-
Mines and Minerals, Department of	-	5	5	6	6	4	7	49	7	-
Mississippi River Parkway Commission	-	-	1	-	-	-	-	-	-	-
Natural Resources, Institute of	1	1	2	-	-	-	-	-	-	-
Nature Preserves Commission	-	-	-	-	1	-	-	-	-	-
Nuclear Safety, Department of	-	1	2	3	3	4	3	19	7	7
Nutrition, State Council on	-	-	1	-	-	-	-	-	-	-
Personnel, Department of (1)	9	9	9	9	-	-	-	-	-	-
Pollution Control Board	11	18	13	18	23	21	32	43	53	73

TABLE 17
COMPARISON OF GENERAL RULEMAKING BY AGENCY
1979 THROUGH 1988

AGENCY	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Prairie State 2000 Authority	-	-	-	-	-	-	-	2	-	-
Prisoner Review Board	-	-	-	1	-	-	1	-	-	2
Professional Regulation, Department of (6)	-	-	-	-	-	-	-	-	-	14
Property Tax Appeal Board (5)	-	-	-	-	-	-	1	-	-	-
Public Aid, Department of	56	47	66	40	86	67	94	82	87	107
Public Health, Department of	43	55	44	92	91	53	25	44	27	50
Racing Board, Illinois	14	19	10	22	9	7	13	14	9	11
Regents, Board of	-	-	2	-	-	-	-	-	-	-
Registration and Education, Department of (6)	11	22	15	16	15	26	17	10	14	-
Rehabilitation Services, Department of	-	3	1	6	23	28	13	57	45	25
Retirement System of Illinois, State Employees'	3	5	3	4	1	2	3	-	-	1
Retirement System of The State of Illinois, Teachers'	-	-	-	-	-	-	2	-	-	1
Retirement System, State Universities	-	-	-	-	1	-	-	-	-	-
Revenue, Department of (4)(5)	16	24	45	14	11	9	7	24	19	20
Savings and Loan Associations, Commissioner of	4	1	7	1	1	1	2	1	3	4
Scholarship Commission, State	-	-	11	4	2	1	14	10	13	5
Secretary of State	21	12	26	14	31	20	19	8	18	30
Select Joint Committee on Regulatory Agency Reform	-	-	2	-	-	-	-	-	-	-
Sports Facilities Authority, Illinois	-	-	-	-	-	-	-	-	-	2
State Fair Agency	4	-	-	-	-	-	-	-	-	-
State Mandates Board of Appeals	-	-	-	1	-	-	-	-	-	-
State Police, Department of	-	1	-	1	2	2	1	2	1	4
State Police Merit Board, Department of	-	-	-	-	-	-	-	2	2	2
Transportation, Department of	13	13	17	5	5	10	16	23	16	25
Travel Control Board, Higher Education	1	1	1	2	-	-	1	-	-	-
Travel Control Board, Legislative	1	-	1	-	-	-	-	-	-	-
Travel Regulation Council	-	-	-	-	-	-	-	-	-	1
Treasurer	-	-	-	-	1	1	-		-	-
Veterans' Affairs, Department of	2	2	2	-	1	1	-	5	7	-
Visit and Examine State Institutions, Commission to	-	-	1	-	-	-	-	-	-	-
TOTAL	467	556	563	510	585	604	537	698	609	621

TABLE 17
COMPARISON OF GENERAL RULEMAKING BY AGENCY
1979 THROUGH 1988
(continued)

(1) The Department of Personnel and the Department of Administrative Services were combined in 1982, and the name was changed to the Department of Central Management Services.

(2) The Department of Alcoholism and Substance Abuse, once a division of the Dangerous Drug Commission, became a separate agency in 1984.

(3) The Department of Employment Security, once a bureau within the Department of Labor, became a separate agency in 1984.

(4) The Department of the Lottery, once a division of the Department of Revenue (Lottery Control Board), became a separate agency in 1986.

(5) The Property Tax Appeal Board, once a division of the Department of Revenue, became a separate agency in 1985.

(6) The Department of Registration and Education became the Department of Professional Regulation in 1988.

TABLE 18
COMPARISON OF EMERGENCY RULEMAKING BY AGENCY
1981 THROUGH 1988

AGENCY	1981	1982	1983	1984	1985	1986	1987	1988
Abandoned Mined Lands Reclamation Council	-	-	-	-	-	2	-	-
Aging, Department on	1	1	-	-	-	-	-	-
Agriculture, Department of	1	-	-	1	2	1	1	2
Alcoholism and Substance Abuse, Department of (1)	-	-	-	1	1	2	1	1
Attorney General	-	-	-	-	1	-	-	-
Banks and Trust Companies, Commissioner of	-	1	-	-	-	2	-	-
Carnival-Amusement Safety Board	-	-	-	-	-	1	-	-
Capital Development Board	-	-	-	-	1	-	-	-
Central Management Services, Department of (2)	-	2	3	13	6	6	4	8
Children and Family Services, Department of	-	4	1	-	-	1	1	-
Citizens Council on Children	-	-	-	-	-	-	1	-
Commerce and Community Affairs, Department of	-	-	-	-	6	5	2	1
Commerce Commission, Illinois	-	2	5	3	1	5	3	4
Commission Review Board	-	-	-	-	-	1	-	-
Community College Board, Illinois	-	-	1	2	-	-	-	-
Comptroller	-	-	-	-	-	-	-	-
Conservation, Department of	13	3	4	1	7	2	1	7
Corrections, Department of	2	15	-	-	-	-	-	-
Criminal Justice Information Authority	-	-	-	-	1	-	1	-
Dangerous Drugs Commission	-	-	-	-	-	-	-	-
Development Finance Authority	-	-	-	-	-	2	-	-
Education, Board of Higher	1	-	-	1	-	-	-	-
Education Loan Authority, Illinois Independent Higher	-	-	1	-	-	-	-	-
Education, State Board of	1	-	3	-	9	5	2	-
Educational Opportunity, Illinois Consortium For	-	-	-	-	-	1	-	-
Elections, State Board of	4	2	1	2	-	-	-	-
Emergency Services and Disaster Agency	-	1	-	-	-	-	1	-
Employment Security, Department of (3)	-	-	-	3	-	-	-	4
Environmental Protection Agency	2	-	-	2	2	2	3	-
Experimental Organ Transplantation Procedures Board, Illinois	-	-	-	-	1	-	-	-
Export Development Authority, Illinois	-	-	-	-	-	1	-	-

TABLE 18
COMPARISON OF EMERGENCY RULEMAKING BY AGENCY
1981 THROUGH 1988

AGENCY	1981	1982	1983	1984	1985	1986	1987	1988
Farm Development Authority, Illinois	-	1	1	1	2	3	-	-
Financial Institutions, Department of	2	-	-	-	1	1	1	-
Fire Marshal, Office of the State	-	2	1	2	-	2	-	-
Governor's Purchased Care Review Board	-	-	-	-	-	-	-	-
Health Coordinating Council, Statewide	1	-	-	-	-	-	-	-
Housing Development Authority, Illinois	-	-	1	1	1	-	1	-
Human Rights, Department of	-	-	-	-	-	-	-	-
Illinois, Board of Trustees of the University of	1	-	1	-	-	-	-	-
Industrial Commission	1	2	-	2	2	2	-	-
Insurance, Department of	2	2	3	-	1	5	-	-
Labor, Department of (3)	3	-	3	3	2	-	-	-
Labor Relations Board, Illinois Educational	-	-	-	4	1	-	-	1
Labor Relations Board, Illinois Local	-	-	-	4	-	-	-	-
Labor Relations Board, Illinois State	-	-	-	4	-	-	-	-
Law Enforcement Merit Board, Department of	-	-	-	2	-	-	-	-
Legislative Information System	-	1	1	-	-	-	-	-
Local Governmental Law Enforcement Officers Training Board, Illinois	-	-	1	-	-	1	-	-
Lottery, Department of	-	-	-	-	-	2	-	-
Mental Health and Developmental Disabilities, Department of	1	2	1	-	-	-	-	-
Mines and Minerals, Department of	1	3	1	-	-	-	-	-
Nuclear Safety, Department of	-	1	-	2	1	1	1	-
Personnel, Department of (2)	5	3	-	-	-	-	-	-
Pollution Control Board	3	1	1	3	3	2	-	1
Prairie State 2000 Authority	-	-	-	-	-	2	-	-
Professional Regulation, Department of								2
Public Aid, Department of	2	4	2	6	6	9	18	17
Public Health, Department of	1	15	2	2	2	3	1	18
Racing Board, Illinois	2	2	2	1	2	-	-	1
Regents, Board of	1	-	-	-	-	-	-	-
Registration and Education, Department of	2	5	5	6	1	1	3	-

TABLE 18
COMPARISON OF EMERGENCY RULEMAKING BY AGENCY
1981 THROUGH 1988

AGENCY	1981	1982	1983	1984	1985	1986	1987	1988
Rehabilitation Services, Department of	-	1	-	-	-	3	-	-
Retirement System of Illinois, State Employees'	1	1	-	1	1	-	-	-
Revenue, Department of	2	3	-	1	-	2	-	4
Savings and Loan Associations, Commissioner of	1	-	-	-	1	1	1	4
Scholarship Commission, State	1	2	1	-	-	2	2	1
Secretary of State	2	1	3	3	6	2	-	-
Sports Facilities Authority, Illinois								2
State Mandates Board of Appeals	-	1	-	-	1	-	-	-
State Police, Department of	-	-	-	-	-	1	-	-
Transportation, Department of	-	-	-	1	1	1	2	-
Travel Regulation Council	-	-	-	-	-	1	-	-
Treasurer	-	-	-	-	1	-	-	-
Veterans' Affairs, Department of	-	-	-	-	-	1	-	-
TOTAL	60	84	49	78	73	87	51	78

(1) The Department of Alcoholism and Substance Abuse, once a division of the Dangerous Drug Commission, became a separate agency in 1984.

(2) The Department of Personnel and the Department of Administrative Services were combined in 1982, and the name was changed to the Department of Central Management Services.

(3) The Department of Employment Security, once a bureau within the Department of Labor, became a separate agency in 1984.

(4) The Department of Registration and Education became the Department of Professional Regulation in 1988.

TABLE 19
COMPARISON OF PEREMPTORY RULEMAKING BY AGENCY
1981 THROUGH 1988

AGENCY	1981	1982	1983	1984	1985	1986	1987	1988
Aging, Department on	-	-	-	-	-	-	-	-
Agriculture, Department of	-	-	-	-	9	10	9	7
Central Management Services, Department of	-	-	-	-	-	6	7	7
Children and Family Services, Department of	1	-	-	1	-	-	-	-
Commerce Commission, Illinois	-	1	-	-	-	-	-	2
Comptroller	-	1	-	-	-	-	-	-
Conservation, Department of	-	-	-	-	2	-	-	-
Corrections, Department of	1	3	1	-	-	-	-	-
Education, State Board of	-	-	1	-	-	-	-	-
Employment Security, Department of (1)	-	-	-	-	1	-	-	-
Labor, Department of (1)	1	-	-	-	-	-	-	-
Nature Preserves Commission	-	1	-	-	-	-	-	-
Pollution Control Board	3	7	10	11	9	14	10	-
Public Aid, Department of	22	6	3	9	2	3	4	2
Public Health, Department of	-	1	-	1	-	-	-	-
Rehabilitation Services, Department of	-	-	-	-	-	-	1	1
Retirement System of Illinois, State Employees'	-	-	1	-	-	-	-	-
Revenue, Department of	-	-	-	-	-	-	1	-
Travel Regulation Council	-	-	-	-	-	-	1	-
TOTAL	27	21	16	22	23	33	32	19

(1) The Department of Employment Security, once a bureau within the Department of Labor, became a separate agency in 1984.

APPENDIX B
THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

(Codified by West Publishing Company in Ilinois Revised Statutes at chapter 127, paragraphs 1001-1021.)

AN ACT in relation to administrative rules and procedures, and to amend an Act therein named and in connection therewith. (PA 79-1083, approved and effective September 22, 1975)

Section 1. SHORT TITLE. This Act shall be known and may be cited as "The Illinois Administrative Procedure Act." (PA 79-1083)

Section 2. APPLICABILITY. This Act applies to every agency as defined herein. Beginning January 1, 1978 in case of conflict between the provisions of this Act and the Act creating or conferring power on an agency, this Act shall control. However if an agency has existing procedures on July 1, 1977 specifically for contested cases or licensing those existing provisions control, except that this exception respecting contested cases and licensing does not apply if the Act creating or conferring power on the agency adopts by express reference the provision of this Act. Where the Act creating or conferring power on an agency establishes administrative procedures not covered by this Act, such procedures shall remain in effect.

The provisions of this Act shall not apply to (1) preliminary hearings, investigations or practices where no final determinations affecting State funding are made by the State Board of Education, (2) legal opinions issued under Section 2-3.7 of The School Code, (3) as to State colleges and universities, their disciplinary and grievance proceedings, academic irregularity and capricious grading proceedings, admissions standards and procedures, and (4) the class specifications for positions and individual position descriptions prepared and maintained pursuant to the "Personnel Code"; however such specifications shall be made reasonably available to the public for inspection and copying. Neither shall the provisions of this Act apply to hearings under Section 20 of the "Uniform Disposition of Unclaimed Property Act."

Pay rates established pursuant to Section 8a of the Personnel Code shall be amended or repealed pursuant to the process set forth in Section 5.03 within 30 days after it becomes necessary to do so due to a conflict between the rates and the terms of a collective bargaining agreement covering the compensation of an employee subject to that Code. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977; Amended by PA 80-1457, effective January 1, 1979; Amended by PA 81-1514, effective January 1, 1981; Amended by PA 83-0891, effective November 2, 1983; Amended by PA 84-469, effective January 1, 1986)

Section 3. DEFINITIONS. As used in this Act, unless the context otherwise requires, the terms specified in Section 3.01 through 3.12 have the meanings ascribed to them in those Sections. (PA 79-1083; Amended by PA 82-0783, effective July 13, 1982; Amended by PA 84-1452, effective January 5, 1987; Amended by PA 85-293, effective September 8, 1987)

Section 3.01. AGENCY. "Agency" means each officer, board, commission and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government, but other than the circuit court; each officer, department, board, commission, agency, institution, authority, university, body politic and corporate of the State; and each administrative unit or corporate outgrowth of the State government which is created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. However, "agency" does not include:

(a) the House of Representatives and Senate, and their respective standing and service committees;
(b) the Governor; and
(c) the justices and judges of the Supreme and Appellate Courts.

No entity shall be considered an "agency" for the purposes of this Act unless authorized by law to make rules or to determine contested cases. (PA 79-1083; Amended by PA 80-1457, effective January 1, 1979)

Section 3.02. CONTESTED CASE. "Contested case" means an adjudicatory proceeding, not including ratemaking, rulemaking, quasi-legislative, informational or similar proceedings, in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977)

Section 3.03. HEARING EXAMINER. "Hearing examiner" means the presiding officer or officers at the initial hearing before each agency and each continuation thereof. (PA 79-1083)

Section 3.04. LICENSE. "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law, but it does not include a license required solely for revenue purposes. (PA 79-1083)

Section 3.05. LICENSING. "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license. (PA 79-1083)

Section 3.06. PARTY. "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party. (PA 79-1083)

Section 3.07 PERSON. "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency. (PA 79-1083)

Section 3.08. RATE-MAKING OR RATE-MAKING ACTIVITIES. "Rate-making" or "Rate-making activities" means the establishment or review of or other exercise of control over the rates or charges for the products or services of any person, firm or corporation operating or transacting any business in this State. (PA 79-1083)

Section 3.09. RULE. "Rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does no include (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, (b) informal advisory rulings issued pursuant to Section 9, (c) intra-agency memoranda or (d) the prescription of standardized forms. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977)

Section 3.10 SMALL BUSINESS. For the purpose of this Act, "small business" means a corporation organized under the "General Not For Profit Corporation Act of 1986", as amended, or a concern, including its affiliates, which is independently owned and operated, not dominant in its field and which employs fewer than 50 full-time employees or which has gross annual sales of less than $4 million. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations. (Added by PA 82-492, effective January 1, 1982; Amended by PA 85-587, effective January 1, 1988)

Section 3.11. MUNICIPALITY. "Municipality" has the meaning ascribed to it in Section 1-1-2 of the Illinois Municipal Code. (Added by PA 84-1452, effective January 5, 1987)

Section 3.12. SMALL MUNICIPALITY. "Small municipality" means any municipality of 5,000 or fewer inhabitants and any municipality of more than 5,000 inhabitants which employs fewer than 50 persons full-time. For purposes of a specific rule, an agency may define small municipality to include employment of more than 50 persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small municipalities. (Added by PA 84-1452, effective January 5, 1987)

Section 4. ADOPTION OF RULES; PUBLIC INFORMATION. AVAILABILITY OF RULES. (a) In addition to other rulemaking requirements imposed by law, each agency shall:

1. adopt rules of practice setting forth the nature and requirements of all formal hearings;
2. make available for public inspection all rules adopted by the agency in the discharge of its functions.

(b) Each agency shall make available for public inspection all final orders, decisions and opinions, except those deemed confidential by state or federal statute and any trade secrets.

(c) No agency rule is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection and filed with the Secretary of State as required by this Act. However, no Agency shall assert the invalidity of a rule which it has adopted pursuant to this Act when an opposing party has relied upon such rule.

(d) Rulemaking which creates or expands a State mandate on units of local government, school districts, or community college districts is subject to the State Mandates Act. The required Statement of Statewide Policy Objectives shall be published in the Illinois Register at the time that the first notice under Section 5.01 is published or when the rule is published under Section 5.02 or 5.03. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977; Amended by PA 81-1562, effective January 16, 1981; Amended by P.A. 83-1387, effective January 1, 1985; Amended by P.A. 83-1453, effective January 1, 1985)

Section 4.01 REQUIRED RULES. (a) Each agency shall maintain as rules the following:

1. a current description of the agency's organization with necessary charts depicting same;
2. the current procedures on how the public can obtain information or make submissions or requests on subjects, programs, and activities of the agency;
3. tables of contents, indices, reference tables, and other materials to aid users in finding and using the agency's collection of rules currently in force; and
4. a current description of the agency's rulemaking procedures with necessary flow charts depicting same.

(b) The rules required to be filed by this Section may be adopted, amended, or repealed and filed as provided in this Section in lieu of any other provisions or requirements of this Act.

The rules required by this Section may be adopted, amended, or repealed by filing a certified copy with the Secretary of State as provided by paragraphs (a) and (b) of Section 6, and may become effective immediately. (Added by PA 80-1035, effective September 27, 1977;Amended by PA 81-1044, effective October 1, 1979)

Section 4.02. RULES IMPLEMENTING DISCRETIONARY POWERS -- STANDARDS. Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected. (Added by PA 81-1129, effective July 1, 1980)

Section 4.03. SMALL BUSINESS AND SMALL MUNICIPALITY FLEXIBILITY. When an agency proposes a new rule, or an amendment to an existing rule, which may have an impact on small businesses or small municipalities, the agency shall do each of the following: (a) The agency shall consider each of the following methods for reducing the impact of the rulemaking on small businesses or small municipalities. The agency shall reduce the impact by utilizing one or more of the following methods, if it finds that the methods are legal and feasible in meeting the statutory objectives which are the basis of the proposed rulemaking.

(1) Establish less stringent compliance or reporting requirements in the rule for small businesses or small municipalities.

(2) Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses or small municipalities.

(3) Consolidate or simplify the rule's compliance or reporting requirements for small businesses or small municipalities.

(4) Establish performance standards to replace design or operational standards in the rule for small businesses or small municipalities.

(5) Exempt small businesses or small municipalities from any or all requirements of the rule.

(b) Prior to or during the notice period required under Section 5.01(a) of this Act, the agency shall provide an opportunity for small businesses or small municipalities to participate in the rulemaking process. The Agency shall utilize one or more of the following techniques. These techniques are in addition to other rulemaking requirements imposed by this Act or by any other Act.

(1) The inclusion in any advance notice of possible rulemaking of a statement that the rule may have an impact on small businesses or small municipalities.

(2) The publication of a notice of rulemaking in publications likely to be obtained by small businesses or small municipalities.

(3) The direct notification of interested small businesses or small municipalities.

(4) The conduct of public hearings concerning the impact of the rule on small businesses or small municipalities.

(5) The use of special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses or small municipalities.

(c) Prior to the notice period required under Section 5.01(a) of this Act, the agency shall notify the Business Assistance Office of the Department of Commerce and Community Affairs when rules affect businesses. The Business Assistance Office shall prepare an impact analysis of the rule describing its effect on small businesses. The impact analysis shall be completed within the notice period as described in subsection (a) of Section 5.01. Upon completion of the analysis, the Business Assistance Office shall submit this analysis to both the Joint Committee on Administrative Rules and to the agency proposing the rule. The impact analysis shall contain the following:

1. A summary of the projected reporting, recordkeeping and other compliance requirements of the proposed rule.
2. A description of the types and an estimate of the number of small businesses to which the proposed rule will apply.
3. An estimate of the economic impact which the regulation will have on the various types of small businesses affected by the rulemaking.
4. A description of or a listing of alternatives to the proposed rule which would minimize the economic impact of the rule. Such alternative must be consistent with the stated objectives of the applicable statutes and regulations.

(Added by PA 82-492, effective January 1, 1982; Amended by PA 83-1341, effective September 7, 1984; Amended by PA 84-1452, effective January 5, 1987)

Section 5. PROCEDURE FOR RULEMAKING. (a) Prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Sections 5.01, 5.02 or 5.03, whichever is applicable.

(b) No action by any agency to adopt, amend or repeal a rule after this Act has become applicable to the agency shall be valid unless taken in compliance with this Section. A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this Section must be commenced within 2 years from the effective date of the rule.

(c) The notice and publication requirements of this Section do not apply to a matter relating solely to agency management, personnel practices, or to public property, loans or contracts. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977; Amended by PA 81-1044, effective October 1, 1979)

Section 5a. REGULATORY AGENDA. An agency may submit for publication in the Illinois Register a regulatory agenda to elicit public comments concerning any rule which the agency is considering proposing but for which no notice or proposed rulemaking activity has been submitted to the Illinois Register. A regulatory agenda shall consist of summaries of such rules. Each summary shall, in less than 2,000 words contain insofar as practicable:

(a) a description of the rule;
(b) the statutory authority the agency is exercising;
(c) a schedule of the dates for any hearings, meetings or other opportunities for public participation in the development of the rule;
(d) the date the agency anticipates submitting a notice of proposed rulemaking activity, if known;
(e) the name, address and telephone number of the agency representative, knowledgeable on such rule, from whom any information may be obtained and to whom written comments may be submitted concerning such rule;
(f) a statement as to whether the rule will affect small businesses as defined in this Act; and
(g) any other information which may serve the public interest.

Nothing in this Section shall preclude an agency from adopting a rule which has not been summarized in a regulatory agenda; nothing in this Section shall require an agency to adopt a rule summarized in a regulatory agenda. The Secretary of State shall adopt rules necessary for the publication of a regulatory agenda, including but not limited to standard submission forms and deadlines. (Added by PA 84-954, effective January 1, 1986)

Section 5.01. GENERAL RULEMAKING. In all rulemaking to which Sections 5.02 and 5.03 do not apply, each agency shall:

(a) give at least 45 days' notice of its intended action to the general public. This first notice period shall commence on the first day the notice appears in the Illinois Register. The first notice shall include:

1. The text of the proposed rule, or the old and new materials of a proposed amendment, or the text of the provision to be repealed;

2. The specific statutory citation upon which the proposed rule, the proposed amendment to a rule or the proposed repeal of a rule is based and is authorized;

3. A complete description of the subjects and issues involved;

4. For all proposed rules and proposed amendments to rules, an initial regulatory flexibility analysis, which shall contain a description of the types of small businesses subject to the rule; a brief description of the proposed reporting, bookkeeping, and other procedures required for compliance with the rule; and a description of the types of professional skills necessary for compliance; and

5. The time, place and manner in which interested persons may present their views and comments concerning the proposed rulemaking.

During the first notice period, the agency shall provide all interested persons who submit a request to comment within the first 14 days of the notice period reasonable opportunity to submit data, views, arguments or comments, which may, in the discretion of the agency, be submitted either orally or in writing or both. The notice published in the Illinois Register shall indicate the manner selected by the agency for such submissions. The agency shall consider all submissions received.

The agency shall hold a public hearing on the proposed rulemaking, during the first notice period, in the following cases: (1) the agency finds that a public hearing would facilitate the submission of views and comments which might not otherwise be submitted; (2) the agency receives a request for a public hearing, within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register, from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government which may be affected. At the public hearing, the agency shall allow interested persons to present views and comments on the proposed rulemaking. Such a public hearing in response to a request for a hearing may not be held less than 20 days after the publication of the notice of proposed rulemaking in the Illinois Register, unless notice of the public hearing is included in the notice of proposed rulemaking. A public hearing on proposed rulemaking may not be held less than 10 days before submission of the notice required under paragraph (b) of this Section to the Joint Committee on Administrative Rules. Each agency may prescribe reasonable rules for the conduct of public hearings on proposed rulemaking to prevent undue repetition at such hearings. Such hearings must be open to the public and recorded by stenographic or mechanical means.

(b) provide up to 45 days additional notice of the proposed rulemaking to the Joint Committee on Administrative Rules. The period commencing on the day written notice is received by the Joint Committee shall be known as the second notice period, and shall expire 45 days thereafter unless prior to that time the agency and the Joint Committee have agreed to extend the second notice period beyond 45 days for a period not to exceed an additional 45 days, or the agency has received a statement of objection from the Joint Committee, or notification from the Joint Committee that no objection will be issued. The written notice to the Joint Committee shall include: (1) the text and location of any changes made to the proposed rulemaking during the first

notice period; (2) for all proposed rules and proposed amendments to rules, a final regulatory flexibility analysis, which shall contain a summary of issues raised by small businesses during the first notice period; and a description of actions taken on any alternatives to the proposed rule suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized; and (3) if written request has been made by the Joint Committee within 30 days after initial notice appears in the Illinois Register pursuant to Paragraph (a) of this Section, an analysis of the economic and budgetary effects of the proposed rulemaking. After commencement of the second notice period, no substantive change may be made to a proposed rulemaking unless it is made in response to an objection or suggestion of the Joint Committee. The agency shall also send a copy of the final regulatory flexibility analysis to each of the small businesses which have presented views or comments on the proposed rulemaking during the first notice period and to any interested person who requests a copy during the first notice period. The agency may charge a reasonable fee for providing such copies to cover postage and handling costs.

(c) after the expiration of second notice period, after notification from the Joint Committee that no objection will be issued, or after response by the agency to a statement of objection issued by the Joint Committee, whichever is applicable, the agency shall file, pursuant to Section 6 of this Act, a certified copy of each rule, modification, or repeal of any rule adopted by it, which shall be published in the Illinois Register. Each rule hereafter adopted under this Section is effective upon filing, unless a later effective date is required by statute or is specified in the rule.

(d) No rule or modification or repeal of any rule may be adopted, or filed with the Secretary of State, more than one year after the date the first notice period for the rulemaking under paragraph (a) commenced. Any period during which the rulemaking is prohibited from being filed under Section 7.06a shall not be considered in calculating this one-year time period. In addition, no rule or modification which contains an incorporation by reference under subsection (b) of Section 6.02 may be adopted and filed with the Secretary of State pursuant to paragraph (c) of Section 5.01 and Section 6 of this Act unless the agency adopting and filing the rule is in receipt of written approval from the Joint Committee on Administrative Rules. This paragraph (d) applies to any rule or modification or repeal of any rule which has not been filed with the Secretary of State prior to the effective date of this amendatory Act of 1981. (Added by PA 81-1044, effective October 1, 1979; Amended by PA 82-242, effective January 1, 1982; Amended by PA 82-492, effective January 1, 1982; Amended by PA 82-783, effective July 13, 1982; Amended by PA 84-784, effective January 1, 1986; Amended by PA 84-1329, effective September 9, 1986)

Section 5.02 EMERGENCY RULEMAKING. "Emergency" means the existence of any situation which any agency finds reasonably constitutes a threat to the public interest, safety or welfare. Where any agency finds that an emergency exists which requires adoption of a rule upon fewer days than is required by Section 5.01, and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing, upon filing a notice of emergency rulemaking with the Secretary of State pursuant to Section 6.01 of this Act. Such notice shall include the text of the emergency rule and shall be published in the Illinois Register.

Consent orders or other court orders adopting settlements negotiated by an agency may be adopted pursuant to this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing pursuant to Section 6, or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons therefor shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5.01 of this Act is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules which may be adopted in a 24 month period does not apply to emergency rules which make additions to and deletions from the Drug Manual pursuant to Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary pursuant to Section 3.14 of the Illinois Food, Drug, and Cosmetic Act. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section. (Added by PA 81-1044, effective October 1, 1979; Amended by PA 84-22, effective July 18, 1985; Amended by PA 84-576, effective January 1, 1986; Amended by PA 85-451, effective September 17, 1987)

Section 5.03. PEREMPTORY RULEMAKING. "Peremptory rulemaking" means any rulemaking which is required as a result of federal law, federal rules and regulations, or an order of a court, under conditions which preclude compliance with general rulemaking requirements imposed by Section 5.01 and which preclude the exercise of discretion by the agency as to the content of the rule it is required to adopt. Peremptory rulemaking shall not be used to implement consent orders or other court orders adopting settlements negotiated by the agency. Where any agency finds that peremptory rulemaking is necessary and states in writing its reasons for that finding, the agency may adopt peremptory rulemaking upon filing a notice of rulemaking with the Secretary of State pursuant to Section 6.01 of this Act. Such notice shall be published in the Illinois Register. A rule adopted under the peremptory rulemaking provisions of this Section becomes effective immediately upon filing with the Secretary of State and in the agency's principal office, or at a date required or authorized by the relevant federal law, federal rules and regulations, or court order, as stated in the notice of rulemaking. Notice of rulemaking under this Section shall be published in the Illinois Register, and shall specifically refer to the appropriate state or federal court order or federal law, rules and regulations, and shall be in such form as the Secretary of State may reasonably prescribe by rule. The agency shall file the notice of peremptory rulemaking within 30 days after a change in rules is required. (Added by PA 81-1044, effective October 1, 1979; Amended by PA 84-576, effective January 1, 1986)

Section 5.04 AUTOMATIC REPEAL OF RULES. A rule may provide for its automatic repeal on a date specified in the rule. The repeal shall be effective on the date specified, provided that notice of the repeal is published in the Illinois Register not less than 30 nor more than 60 days prior to the effective date of the repeal. This Section shall not apply to any rules filed pursuant to Section 5.02 of this Act. (Added by PA 83-1387, effective January 1, 1985)

Section 6. FILING OF RULES. (a) Each agency shall file in the office of the Secretary of State and in the agency's principal office a certified copy of each rule and modification or repeal of any rule adopted by it. The Secretary of State and the agency shall each keep a permanent register of the rules open to public inspection.

(b) Concurrent with the filing of any rule pursuant to this Section, the filing agency shall submit to the Secretary of State for publication in the next available issue of the Illinois Register a notice of adopted rules. Such notice shall include:

1. The text of the adopted rule, which shall include: if the material is a new rule, the full text of the new rule; or if the material is an amendment to a rule or rules, the full text of the rule or rules as amended; or if the material is a repealer, such notice of repeal.

2. The name, address and telephone number of an individual who will be available to answer questions and provide information to the public concerning the adopted rules.

3. Such other information as the Secretary of State may by rule require in the interest of informing the public. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1979; Amended by PA 81-1044, effective October 1, 1979; Amended by PA 82-298, effective January 1, 1982)

Section 6.01. FORM AND PUBLICATION OF NOTICES. (a) The Secretary of State may prescribe reasonable rules concerning the form of documents to be filed with him, and may refuse to accept for filing such certified copies as are not in compliance with such rules. In addition, the Secretary of State shall publish and maintain the Illinois Register and may prescribe reasonable rules setting forth the manner in which agencies shall submit notices required by this Act for publication in the Illinois Register. The Illinois Register shall be published at least once each week on the same day unless such day is an official State holiday in which case the Illinois Register shall be published on the next following business day and sent to subscribers who subscribe for the publication with the Secretary of State. The Secretary of State may charge a subscription price to subscribers that covers mailing and publication costs.

(b) The Secretary of State shall accept for publication in the Illinois Register all Pollution Control Board documents, including but not limited to Board opinions, the results of Board determinations concerning adjusted standards proceedings, notices of petitions for individual adjusted standards, results of Board determinations concerning the necessity for economic impact studies, restricted status lists, hearing notices, and any other documents related to the activities of the Pollution Control Board that the Board deems appropriate for publication. (Added by PA 81-1044, effective October 1, 1979; Amended by PA 82-689, effective July 1, 1982; Amended by PA 83-638, effective September 21, 1983; Amended by PA 85-1048, effective January 1, 1989)

Section 6.02. INCORPORATION BY REFERENCE. (a) An agency may incorporate by reference, in its rules adopted in accordance with Section 5 of this Act, rules and regulations of an agency of the United States or rules, regulations, standards and guidelines of a nationally recognized organization or association without publishing the incorporated material in full. The reference in the agency rules must fully identify the incorporated matter by location and date, and must state that the rule, regulation, standard or

guideline does not include any later amendments or editions. The agency adopting the rule, regulation, standard or guideline shall maintain a copy of the referenced rule, regulation, standard or guideline and shall make it available to the public upon request for inspection and copying at no more than cost. An agency may also at its discretion file a copy of the referenced rule, regulation, standard or guideline with the State Library. An agency may incorporate by reference such matters in its rules only if the agency, organization or association originally issuing the rules only if the agency, organization or association originally issuing the matter makes copies readily available to the public. This Section shall not apply to any agency internal manual.

For any law imposing taxes on or measured by income, the Department of Revenue may promulgate rules imposing taxes on or measured by income which include incorporations by reference of federal rules or regulations without identifying the incorporated matter by date and without including a statement that the incorporation does not include later amendments.

(b) As provided by this subsection, an agency may incorporate by reference in its rules adopted in accordance with Section 5.01 of this Act guidelines or standards of an agency of the United States, without publishing the incorporated material in full, provided that the incorporated material is readily available to the public. The reference in the agency rules must fully identify the incorporated matter by location and date, and must state that the guideline or standard does not include any later amendments or editions. An agency may incorporate by reference such matters in its rules only if the agency of the United States issuing or distributing the matter, or the organization, association or other entity acting on behalf of the agency of the United States makes copies readily available to the public. The agency adopting the rule shall maintain a copy of the referenced guideline or standard and shall make it available to the public upon request for inspection and copying at no more than cost. An agency may also at its discretion file a copy of referenced guidelines or standards with the State Library. Use of the incorporation by reference procedure under this subsection (b) must be approved by the Joint Committee on Administrative Rules prior to the submission of the written notice required pursuant to paragraph (b) of Section 5.01 of this Act. An agency seeking to adopt a rule containing incorporation by reference under this subsection (b) shall submit a written request to the Joint Committee on Administrative Rules. In determining whether to approve an incorporation by reference, the Joint Committee shall use the following standard: whether or not the material sought to be incorporated is readily for public inspection. No rule which contains an incorporation by reference pursuant to this subsection (b) may be accepted by the Secretary of State for adoption and filing pursuant to paragraph (c) of Section 5.01 and Section 6 of this Act, unless the agency is in receipt of written approval from the Joint Committee on Administrative Rules. (Added by PA 83-638, effective September 21, 1983; Amended by PA 84-784, effective January 1, 1986; Amended by PA 85-340, effective September 10, 1987)

Section 7. CODIFICATION OF RULES - PUBLICATION. (a) The Secretary of State shall, by rule, prescribe a uniform system for the codification of rules on or before July 1, 1980. The Secretary of State shall also, by rule, establish a schedule for compliance with the uniform codification system on or before October 1, 1980. Such schedule may be by

sections of the codification system and shall require approximately one-fourth of the rules to be converted to the codification system by each October 1, starting in 1981 and ending in 1984. All rules on file with the Secretary of State and in effect on October 1, 1984, shall be in compliance with the uniform system for the codification of rules. Rules not so codified as of October 1, 1984, are void, shall be withdrawn by the Secretary of State from the permanent register of the rules, and shall not be published by the Secretary of State in either the Illinois Administrative Code or in the Illinois Register. The Secretary of State shall not adopt any codification system or schedule under this subsection without the approval of the Joint Committee on Administrative Rules. Approval by the Joint Committee shall be conditioned solely upon establishing that the proposed codification system and schedule are compatible with existing electronic data processing equipment and programs maintained by and for the General Assembly. Nothing in this Section shall prohibit an agency from adopting rules in compliance with the codification system earlier than specified in the schedule.

(b) If no substantive changes are made by the agency in amending existing rules to comply with the codification system, such codified rules may be adopted until October 1, 1984, without requiring notice or publication of the text of rules pursuant to Section 5. In such a case, the publication requirement shall be satisfied by the publication in the Illinois Register of a notice stating that the agency has adopted the rules to comply with the codification system, that no substantive changes have been made in the rules and that the State Library has reviewed and approved the codification of the rules. The notice shall include the current names and numbers of the rules being codified, an outline of the headings of the sections of the rules as codified and may also include a table indicating the relationship between any rule numbers previously used by the agency and the numbering system of the codified rules. The agency shall provide the text of such rules as codified to the State Library for review and necessary changes and recommendations at least 30 days prior to the publication of such notice. Whenever the codification of an emergency or peremptory rule is changed subsequent to its publication as adopted in the Illinois Register, a notice of such change, in the manner set forth in this subsection, shall be published in the next available issue of the Illinois Register. Such a change in the rule's codification shall not affect its validity or the date upon which it became effective.

(c) Each rule proposed in compliance with the codification system shall be reviewed by the State Library under the Secretary of State prior to the expiration of the public notice period provided by Section 5.01(a) of this Act or prior to the publication of the notice required under subsection (b) of this section. The State Library shall cooperate with agencies in its review to ensure that the purposes of the codification system are accomplished. The State Library shall have the authority to make changes in the numbering and location of the rule in the codification scheme, providing such changes do not affect the meaning of the rules. The State Library may recommend changes in the sectioning and headings proposed by the agency and suggest grammatical and technical changes to correct errors. The State Library may add notes concerning the statutory authority, dates proposed and adopted and other similar notes to the text of the rules, if such notes are not supplied by the agency. This review by the State Library shall be for the purpose of insuring the uniformity of and compliance with the codification

system. The State Library shall prepare indexes by agency, subject matter, and statutory authority and any other necessary indexes, tables and other aids for locating rules to assist the public in the use of the Code.

(d) The State Library shall make available to the agency and the Joint Committee on Administrative Rules copies of the changes in the numbering and location of the rule in the codification scheme, the recommended changes in the sectioning and headings, and the suggestions made concerning the correction of grammatical and technical errors or other suggested changes. The agency shall in the notice required by Section 5.01(b) of this Act, or if such notice is not required, at least 10 days prior to the publication of the notice required under subsection (b) of this Section, provide to the Joint Committee a response to the recommendations of the State Library including any reasons for not adopting the recommendations.

(e) In the case of reorganization of agencies, transfer of functions between agencies, or abolishment of agencies by executive order or law, which affects rules on file with the Secretary of State, the State Library shall notify the Governor, the Attorney General, and the agencies involved of the effects upon such rules on file. If the Governor or the agencies involved do not respond to the State Library's notice within 45 days by instructing the State Library to delete or transfer the rules, the State Library may delete or place such rules under the appropriate agency for the purpose of insuring the consistency of the codification scheme and shall notify the Governor, the Attorney General and the agencies involved.

(f) The Secretary of State shall publish an Illinois Administrative Code as effective January 1, 1985. The Code shall be published on or before June 1, 1985, and the Secretary of State shall update each section of the Code at least annually thereafter. Such Code shall contain the complete text of all rules of all State agencies filed with his office and effective on October 1, 1984, or later and the indexes, tables, and other aids for locating rules prepared by the State Library. The Secretary of State shall design the Illinois Register to supplement such Code. The Secretary of State shall make copies of the Code available generally at a price covering publication and mailing costs.

(g) The publication of a rule in the Code or in the Illinois Register as an adopted rule shall establish a rebuttable presumption that the rule was duly filed and that the text of the rule as published in the Code is the text of the rule adopted. Publication of the text of a rule in any other location whether by the agency or some other person shall not be taken as establishing such presumption. Judicial notice shall be taken of the text of each rule published in the Code or Register.

(h) The codification system, the indexes, tables, and other aids for locating rules prepared by the State Library, notes and other materials developed under this Section in connection with Administrative Code shall be the property of the State. No person may attempt to copyright or publish for sale such materials except the Secretary of State as provided in this Section. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977; Amended by PA 80-1457, effective January 1, 1979; Amended by PA 81-1348, effective July 16, 1980; Amended by PA 83-555, effective January 1, 1984;

Amended by PA 83-556, effective January 1, 1984; Amended by PA 83-1362, effective September 11, 1984)

Section 7.01. CERTIFICATION OF RULES FILED WITH THE SECRETARY OF STATE. (a) Beginning January 1, 1978, whenever a rule, or modification or repeal of any rule, is filed with the Secretary of State, the Secretary of State within three working days after such filing shall send a certified copy of such rule, modification or repeal to the Joint Committee on Administrative Rules established in Section 7.02.

(b) Any rule on file with the Secretary of State on January 1, 1978 shall be void 60 days after that date unless within such 60 day period the issuing agency certifies to the Secretary of State that the rule is currently in effect.

Within 45 days after the receipt of any certification pursuant to this sub-section (b), the Secretary of State shall send the Joint Committee on Administrative Rules established in Section 7.02 a copy of each agency's certification so received along with a copy of the rules covered by the certification. (Added by PA 80-1035, effective September 27, 1977)

Section 7.02. ESTABLISHMENT AS LEGISLATIVE SUPPORT SERVICES AGENCY - AGENDA - PUBLICATION OF INFORMATION - FEES. The Joint Committee on Administrative Rules is established as a legislative support services agency subject to the Legislative Commission Reorganization Act of 1984.

When feasible the agenda of each meeting of the Joint Committee shall be submitted to the Secretary of State to be published at least five days prior to the meeting in the Illinois Register. The Joint Committee may also weekly, or as often as necessary, submit for publication in the Illinois Register lists of dates on which notices under Section 5.01 of this Act were received and the dates on which the proposed rulemakings will be considered. The provisions of this subsection shall not prohibit the Joint Committee from acting upon an item that was not contained in the published agenda.

The Joint Committee may charge reasonable fees for copies of documents or publications to cover the cost of copying or printing. However, the Joint Committee shall provide copies of documents or publications without cost to agencies which are directly affected by recommendations or findings included in such documents or publications. (Added by PA 80-1035, effective September 27, 1977; Amended by PA 80-1457, effective January 1, 1979; Amended by PA 82-372, effective September 2, 1981; Amended by PA 83-638, effective September 21, 1983; Amended by 83-1257, effective August 15, 1984)

Section 7.03. ADMINISTRATION OF OATHS OR AFFIRMATIONS - AFFIDAVITS OR DEPOSITIONS - SUBPOENA. (a) The Executive Director of the Joint Committee or any person designated by him may administer oaths or affirmations, take affidavits or depositions of any person.

(b) The Executive Director, upon approval of majority vote of the Joint Committee, or the presiding officers may subpoena and compel the attendance before the Joint Committee and examine under oath any person, or the

production for the Joint Committee of any records, books, papers, contracts or other documents.

If any person fails to obey a subpoena issued under this Section, the Joint Committee may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punished as a contempt. (Added by PA 80-1035, effective September 27, 1977)

Section 7.04. POWERS OF JOINT COMMITTEE. The Joint Committee shall have the following powers under this Act:

1. The function of the Joint Committee shall be the promotion of adequate and proper rules by agencies and an understanding on the part of the public respecting such rules. Such function shall be advisory only, except as provided in Sections 7.06a and 7.07a.

2. The Joint Committee may undertake studies and investigations concerning rulemaking and agency rules.

3. The Joint Committee shall monitor and investigate compliance of agencies with the provisions of this Act, make periodic investigations of the rulemaking activities of all agencies, and evaluate and report on all rules in terms of their propriety, legal adequacy, relation to statutory authorization, economic and budgetary effects and public policy.

4. Hearings and investigations conducted by the Joint Committee under this Act may be held at such times and places within the State as such Committee deems necessary.

5. The Joint Committee shall have the authority to request from any agency an analysis of the:

a. effect of a new rule, amendment or repealer, including any direct economic effect on the persons regulated by the rule; any anticipated effect on the proposing agency's budget and the budgets of other State agencies; and any anticipated effects on State revenues;

b. agency's evaluation of the submissions presented to the agency pursuant to Section 5.01 of this Act;

c. a description of any modifications from the initially published proposal made in the finally accepted version of the intended rule, amendment or repealer;

d. agency's justification and rationale for the intended rule, amendment or repealer.

6. Failure of the Joint Committee to object to any proposed rule, amendment, or repealer or any existing rule shall not be construed as implying direct or indirect approval of the rule or proposed rule, amendment, or repealer by the Joint Committee or the General Assembly. (Added by PA 80-1035, effective September 27, 1977; Amended by PA 80-1044, effective October 1, 1978; Amended by PA 81-1035, effective January 1, 1980; Amended by PA 81-1514, effective January 1, 1981)

Section 7.05. RESPONSIBILITIES OF JOINT COMMITTEE. The Joint Committee shall have the following responsibilities under this Act:

1. The Joint Committee shall conduct a systematic and continuing study of the rules and rulemaking process of all state agencies, including those agencies not covered in Section 3.01 of this Act, for the purpose of improving the rulemaking process, reducing the number and bulk of rules, removing redundancies and unnecessary repetitions and correcting

grammatical, typographical and like errors not affecting the construction or meaning of the rules, and it shall make recommendations to the appropriate affected agency.

2. The Joint Committee shall review the statutory authority on which any administrative rule is based.

3. The Joint Committee shall maintain a review program, to study the impact of legislative changes, court rulings and administrative action on agency rules and rulemaking.

4. The Joint Committee shall suggest rulemaking of an agency whenever the Joint Committee, in the course of its review of the agency's rules under this Act, determines that the agency's rules are incomplete, inconsistent or otherwise deficient. (Added by PA 80-1035, effective September 27, 1977; Amended by PA 81-1044, effective October 1, 1979)

Section 7.06. EXAMINATION OF PROPOSED RULE, AMENDMENT OR REPEAL OF RULE BY THE JOINT COMMITTEE - DETERMINATIONS - EVALUATION OF STATE FORMS. (a) The Joint Committee may examine any proposed rule, amendment to a rule, and repeal of a rule for the purpose of determining whether the proposed rule, amendment to a rule, or repeal of a rule is within the statutory authority upon which it is based, whether the rule, amendment to a rule or repeal of a rule is in proper form and whether the notice was given prior to its adoption, amendment, or repeal and was sufficient to give adequate notice of the purpose and effect of the rule, amendment or repeal. In addition, the Joint Committee may consider whether the agency has considered alternatives to the rule which are consistent with the stated objectives of both the applicable statutes and regulations, and whether the rule is designed to minimize economic impact on small businesses.

(b) If the Joint Committee objects to a proposed rule, amendment to a rule, or repeal of a rule, it shall certify the fact to the issuing agency and include with the certification a statement of its specific objections.

(c) If within the second notice period the Joint Committee certifies its objections to the issuing agency then that agency shall within 90 days of receipt of the statement of objection:

1. modify the proposed rule, amendment or repealer to meet the Joint Committee's objections;

2. withdraw the proposed rule, amendment, or repealer in its entirety, or;

3. refuse to modify or withdraw the proposed rule, amendment or repealer.

(d) If an agency elects to modify a proposed rule, amendment or repealer to meet the Joint Committee's objections, it shall make such modifications as are necessary to meet the objections and shall resubmit the rule, amendment or repealer to the Joint Committee. In addition, the agency shall submit a notice of its election to modify the proposed rule, amendment or repealer to meet the Joint Committee's objections to the Secretary of State, which notice shall be published in the first available issue of the Illinois Register, but the agency shall not be required to conduct a public hearing. If the Joint Committee determines that the modifications do not remedy the Joint Committee's objections, it shall so notify the agency in writing and shall submit a copy of such notification to the Secretary of State for publication in

the next available issue of the Illinois Register. In addition, the Joint Committee may recommend legislative action as provided in subsection (g) for agency refusals.

(e) If an agency elects to withdraw a proposed rule, amendment or repealer as a result of the Joint Committee's objections, it shall notify the Joint Committee, in writing, of its election and shall submit a notice of the withdrawal to the Secretary of State which shall be published in the next available issue of the Illinois Register.

(f) Failure of an agency to respond to the Joint Committee's objections to a proposed rule, amendment or repealer, within the time prescribed in subsection (c) shall constitute withdrawal of the proposed rule, amendment or repealer in its entirety. The Joint Committee shall submit a notice to that effect to the Secretary of State which shall be published in the next available issue of the Illinois Register and the Secretary of State shall refuse to accept for filing a certified copy of such proposed rule, amendment or repealer under the provisions of Section 6.

(g) If an agency refuses to modify or withdraw the proposed rule, amendment or repealer so as to remedy an objection stated by the Joint Committee, it shall notify the Joint Committee in writing of its refusal and shall submit a notice of refusal to the Secretary of State which shall be published in the next available issue of the Illinois Register. If the Joint Committee decides to recommend legislative action in response to an agency refusal, then the Joint Committee shall have drafted and have introduced into either house of the General Assembly appropriate legislation to implement the recommendations of the Joint Committee.

(h) No rule, amendment or repeal of a rule shall be accepted by the Secretary of State for filing under Section 6, if such rulemaking is subject to this Section, until after the agency has responded to the objections of the Joint Committee as provided in this Section.

(i) The Joint Committee shall evaluate and analyze all State forms which have been developed or revised after the effective date of this amendatory Act of 1984 to ascertain the burden, if any, of complying with such forms by small businesses. Such evaluation and analysis shall occur during the Joint Committee's review conducted pursuant to Section 7.08 of this Act. In the event the Joint Committee determines that any such form is unduly burdensome to small businesses the Joint Committee may object to such form or make specific recommendations for change in such form. Objections to such forms shall be made in the manner prescribed in Section 7.07 of this Act. For the purposes of this subsection the terms "State form" and "form" shall mean any document or piece of paper used by the State agency requesting or transmitting information, printed or reproduced by whatever means, usually with blank spaces for the entry of additional information to be used in any transaction between the State of Illinois and private sector businesses. These include, but are not limited to, grant applications, licensing applications, permit applications, and requests for proposal applications, but do not include books, pamphlets, newsletters and intra-agency forms which do not affect the rights of or procedures available to persons or entities outside the State agency. (Added by PA 80-1035, effective September 27, 1977; Amended by PA 81-1044, effective October 1,

1979; Amended by PA 83-1341, effective September 7, 1984; Amended by PA 84-1329, effective September 9, 1986)

Section 7.06a. JOINT COMMITTEE STATEMENT ON PROPOSED RULE, AMENDMENT OR REPEALER, OBJECTIONABLE UNDER COMMITTEE'S REVIEW STANDARDS. (a) If the Joint Committee determines that adoption and effectiveness of a proposed rule, amendment or repealer or portion of a proposed rule, amendment or repealer by an agency would be objectionable under any of the standards for the Joint Committee's review specified in Sections 7.04, 7.05, 7.06, 7.07 or 7.08 of this Act and would constitute a serious threat to the public interest, safety or welfare, the Joint Committee may at any time prior to the taking effect of such proposed rule, amendment or repealer issue a statement to that effect. Such statement may be issued by the Joint Committee only upon the affirmative vote of three-fifths of the members appointed to the Joint Committee. A certified copy of such statement shall be transmitted to the proposing agency and to the Secretary of State for publication in the next available issue of the Illinois Register.

(b) The proposed rule, amendment or repealer or the portion of the proposed rule, amendment or repealer to which the Joint Committee has issued a statement under subsection (a) shall not be accepted for filing by the Secretary of State nor take effect for at least 180 days from receipt of the statement by the Secretary of State. The agency may not enforce or invoke for any reason a proposed rule, amendment or repealer or any portion thereof which is prohibited from being filed by this subsection during this 180 day period.

(c) The Joint Committee shall, as soon as practicable after the issuance of a statement under subsection (a), introduce in either house of the General Assembly a joint resolution stating that the General Assembly desires to continue the prohibition of the proposed rule, amendment or repealer or the portion thereof to which the statement was issued from being filed and taking effect. The joint resolution shall immediately following its first reading be placed on the calendar for consideration in each house of the General Assembly without reference to a standing committee. If such a joint resolution is passed by both houses of the General Assembly within the 180 day period provided in subsection (b), the agency shall be prohibited from filing the proposed rule, amendment or repealer or the portion thereof and the proposed rule, amendment or repealer or the portion thereof shall not take effect. The Secretary of State shall not accept for filing the proposed rule, amendment or repealer or the portion thereof which the General Assembly has prohibited the agency from filing as provided in this subsection. If the 180 day period provided in subsection (b) expires prior to passage of the joint resolution, the agency may file the proposed rule, amendment or repealer or the portion thereof as adopted and it shall take effect. (Added by PA 81-1514, effective January 1, 1981; Amended by PA 82-372, effective September 2, 1981)

Section 7.07. EXAMINATION OF RULE BY THE JOINT COMMITTEE - DETERMINATION. (a) The Joint Committee may examine any rule for the purpose of determining whether the rule is within the statutory authority upon which it is based, and whether the rule is in proper form.

(b) If the Joint Committee objects to a rule, it shall, within 5 days of the objection, certify the fact to the adopting agency and include within the certification a statement of its specific objections.

(c) Within 90 days of receipt of the certification, the agency shall:

1. Notify the Joint Committee that it has elected to amend the rule to meet the Joint Committee's objection;

2. Notify the Joint Committee that it has elected to repeal the rule, or;

3. Notify the Joint Committee that it refuses to amend or repeal the rule.

(d) If the agency elects to amend a rule to meet the Joint Committee's objections, it shall notify the Joint Committee in writing and shall initiate rulemaking procedures for that purpose by giving notice as required by Section 5 of this Act. The Joint Committee shall give priority to rules so amended when setting its agenda.

(e) If the agency elects to repeal a rule as a result of the Joint Committee objections, it shall notify the Joint Committee, in writing, of its election and shall initiate rulemaking procedures for that purpose by giving notice as required by Section 5 of this Act.

(f) If the agency elects to amend or repeal a rule as a result of the Joint Committee objections, it shall complete the process within 180 days after giving notice in the Illinois Register.

(g) Failure of the agency to respond to the Joint Committee's objections to a rule within the time prescribed in subsection (c) shall constitute a refusal to amend or repeal the rule.

(h) If an agency refuses to amend or repeal a rule so as to remedy an objection stated by the Joint Committee, it shall notify the Joint Committee in writing of its refusal and shall submit a notice of refusal to the Secretary of State which shall be published in the next available issue of the Illinois Register. If the Joint Committee, in response to an agency refusal, decides to recommend legislative action, then the Joint Committee shall have drafted and have introduced into either house of the General Assembly appropriate legislation to implement the recommendations of the Joint Committee. (Added by PA 80-1035, effective September 27, 1977; Amended by PA 81-1044, effective October 1, 1979)

Section 7.07a. JOINT COMMITTEE STATEMENT ON RULE ADOPTED UNDER SECTIONS 5.02 OR 5.03 AND DEEMED OBJECTIONABLE UNDER COMMITTEE'S REVIEW STANDARDS. (a) If the Joint Committee determines that a rule or portion of a rule adopted under Sections 5.02 or 5.03 of this Act is objectionable under any of the standards for the Joint Committee's review specified in Sections 7.04, 7.05, 7.06, 7.07, or 7.08 of this Act and constitutes a serious threat to the public interest, safety or welfare, the Joint Committee may issue a statement to that effect. Such statement may be issued by the Joint Committee only upon the affirmative vote of three-fifths of the members appointed to the Joint Committee. A certified copy of such statement shall be transmitted to the affected agency and to the Secretary of State for publication in the next available issue of the Illinois Register.

(b) The effectiveness of the rule or the portion of a rule shall be suspended immediately for at least 180 days upon receipt of the certified statement by the Secretary of State. The Secretary of State shall indicate such suspension prominently and clearly on the face of the affected rule or the portion of a rule filed in the Office of the Secretary of State. Rules or portions of rules suspended in accordance with this subsection shall become effective again upon the expiration of 180 days from receipt of the statement by the Secretary of State if the General Assembly does not continue the suspension as provided in subsection (c). The agency may not enforce, nor invoke for any reason, a rule or portion of a rule which has been suspended in accordance with this subsection. During the 180 days, the agency may not file, nor may the Secretary of State accept for filing, any rule having substantially the same purpose and effect as rules or portions of rules suspended in accordance with this subsection.

(c) The Joint Committee shall, as soon as practicable after issuance of a statement under subsection (a), cause to be introduced in either house of the General Assembly a joint resolution stating that the General Assembly desires to continue the suspension of effectiveness of a rule or the portion of the rule to which the statement was issued. The joint resolution shall immediately following its first reading be placed on the calendar for consideration in each house of the General Assembly without reference to a standing committee. If such a joint resolution is passed by both houses of the General Assembly within the 180 day period provided in subsection (b), the rule or the portion of the rule shall be considered repealed and the Secretary of State shall immediately remove such rule or portion of a rule from the collection of effective rules. (Added by PA 81-1514, effective January 1, 1981; Amended by PA 82-372, effective September 2, 1981)

Section 7.08. PERIODIC EVALUATION OF RULES BY JOINT COMMITTEE - CATEGORIES. (a) The Joint Committee shall evaluate the rules of each agency at least once every 5 years. The Joint Committee shall develop a schedule for this periodic evaluation. In developing this schedule, the Joint Committee shall group rules by specified areas to assure the evaluation of similar rules at the same time. Such schedule shall include at least the following categories:

1. human resources;
2. law enforcement;
3. energy;
4. environment;
5. natural resources;
6. transportation;
7. public utilities;
8. consumer protection;
9. licensing laws;
10. regulation of occupations;
11. labor laws;
12. business regulation;
13. financial institutions; and
14. government purchasing.

(b) Whenever evaluating any rules as required by this Section, the Joint Committee's review shall include an examination of:

1. organizational, structural and procedural reforms which effect rules or rulemaking;

2. merger, modification, establishment or abolition of regulations;

3. eliminating or phasing out outdated, overlapping or conflicting regulatory jurisdictions or requirements of general applicability; and

4. economic and budgetary effects. (Added by PA 80-1035, effective September 27, 1977; Amended by PA 81-1035, effective October 1, 1979)

Section 7.09. ADMINISTRATION OF ACT. The Joint Committee shall have the authority to adopt rules to administer the provisions of this Act relating to the Joint Committee's responsibilities, powers and duties. (Added by PA 80-1035, effective September 27, 1977)

Section 7.10. REPORT OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS BY JOINT COMMITTEE. The Joint Committee shall report its findings, conclusions and recommendations including suggested legislation to the General Assembly by February 1, of each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly," approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act. (Added by PA 80-1035, effective September 27, 1977; Amended by PA 83-784, effective January 1, 1984)

Section 8. PETITION FOR ADOPTION OF RULES. (a) An agency shall, in accordance with Section 5, adopt rules which implement recently enacted legislation of the General Assembly in a timely and expeditious manner.

(b) Any interested person may petition an agency requesting the promulgation, amendment or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration and disposition. If, within 30 days after submission of a petition, the agency has not initiated rulemaking proceedings in accordance with Section 5 of this Act, the petition shall be deemed to have been denied. (PA 79-1083; Amended by PA 83-529, effective January 1, 1984)

Section 9. DECLARATORY RULINGS BY AGENCIES. (a) Each agency may in its discretion provide by rule for the filing and prompt disposition of petitions or requests for declaratory rulings as to the applicability to the person presenting the petition or request of any statutory provision enforced by the agency or of any rule of the agency. Declaratory rulings shall not be appealable. The agency shall maintain as a public record in the agency's principal office and make available for public inspection and copying any such rulings. The agency shall delete trade secrets or other confidential information from the ruling prior to making it available. (PA 79-1083; Amended by PA 82-727, effective November 12, 1981)

(b) Overlapping regulations. (1) Any persons subject to a rule imposed by a State agency and to a similar rule imposed by the federal government may petition the agency administering the State rule for a declaratory ruling as to whether compliance with the federal rule will be accepted as compliance with the State rule.

(2) If the agency determines that compliance with the federal rule would not satisfy the purposes or relevant provisons of the State law involved, the agency shall so inform the petitioner in writing, stating the reasons therefor, and may issue a declaratory ruling to that effect.

(3) If the agency determines that compliance with the federal rule would satisfy the purposes and relevant provisions of the State law involved but that it would not satisfy the relevant provisions of the State rule involved, the agency shall so inform the petitioner and the Joint Committee on Administrative Rules, and the agency may initiate a rulemaking proceeding in accordance with Section 5 to consider revising such rule to accept compliance with the federal rule in a manner that is consistent with the purposes and relevant provisions of the State law.

(4) If the agency determines that compliance with the federal rule would satisfy the purposes and relevant provisions of the State law and the State rule involved, the agency shall issue a declaratory ruling indicating its intention to accept compliance with the federal rule as compliance with the State rule and the terms and conditions under which it intends to do so. (PA 79-1083; Amended by PA 82-727, effective November 12, 1981; Amended by PA 85-317 and PA 85-367, effective September 11, 1987)

Section 10. CONTESTED CASES - NOTICE - HEARING. (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. Such notice shall be served personally or by certified or registered mail upon such parties or their agents appointed to receive service of process and shall include:

1. a statement of the time, place and nature of the hearing;
2. a statement of the legal authority and jurisdiction under which the hearing is to be held;
3. a reference to the particular Sections of the statutes and rules involved; and
4. except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted.

(b) Opportunity shall be afforded all parties to be represented by legal counsel, and to respond and present evidence and argument.

(c) Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. (PA 79-1083)

Section 11. RECORD IN CONTESTED CASES. (a) The record in a contested case shall include:

1. all pleadings (including all notices and responses thereto), motions, and rulings;
2. evidence received;
3. a statement of matters officially noticed;
4. offers of proof, objections and rulings thereon;

5. proposed findings and exceptions;
6. any decision, opinion or report by the hearing examiner;
7. all staff memoranda or data submitted to the hearing examiner or members of the agency in connection with their consideration of the case; and
8. any communication prohibited by Section 15 of this Act, but such communications shall not form the basis for any finding of fact.

(b) Oral proceedings or any part thereof shall be recorded stenographically or by such other means as to adequately ensure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party.

(c) Findings of fact shall be based exclusively on the evidence and on matters officially noticed. (PA 79-1083; Amended by PA 82-783, effective July 13, 1982)

Section 12. RULES OF EVIDENCE - OFFICIAL NOTICE. In contested cases: (a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.

(b) Subject to the evidentiary requirements of subsection (a) of this Section, a party may conduct cross-examination required for a full and fair disclosure of the facts.

(c) Notice may be taken of matters of which the Circuit Courts of this State may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. (PA 79-1083)

Section 13. PROPOSAL FOR DECISION. Except where otherwise expressly provided by law, when in a contested case a majority of the officials of the agency who are to render the final decision has not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief and, if the agency so permits, oral argument to the agency officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision, prepared by the persons who conducted the hearing or one who has read the record. (PA 79-1083)

Section 14. DECISIONS AND ORDERS. A final decision or order adverse to a party (other than the agency) in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties or their agents appointed to receive service of process shall be notified either personally or by registered or certified mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.

A decision by any agency in a contested case under this Act shall be void unless the proceedings are conducted in compliance with the provisions of this Act relating to contested cases except to the extent such provisions are waived pursuant to Section 18 of this Act and except to the extent the agency has adopted its own rules for contested cases as authorized in Section 2 of this Act. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977)

Section 14.1 EXPENSES - ATTORNEY FEES. (a) In any contested case initiated by any agency which does not proceed to court for judicial review and on any issue where a court does not have jurisdiction to make an award of litigation expenses under Section 42.611 of the Civil Practice Law, any allegation made by the agency without reasonable cause and found to be untrue shall subject the agency making such allegation to the payment of the reasonable expenses, including reasonable attorney's fees, actually incurred in defending against that allegation by the party against whom the case was initiated. A claimant may not recover litigation expenses when the parties have executed a settlement agreement which, while not stipulating liability or violation, requires the claimant to take correction action or pay a monetary sum.

The claimant shall make his demand for such expenses to the agency. If the claimant is dissatisfied because of the agency's failure to make any award or because of the insufficiency of the agency's award, the claimant may petition the Court of Claims for the amount deemed owed. If allowed any recovery by the Court of Claims, the claimant shall also be entitled to reasonable attorney's fees and the reasonable expenses incurred in making his claim for the expenses incurred in the administrative action. The Court of Claims may reduce the amount of the litigation expenses to be awarded under this Section, or deny an award, to the extent that the claimant engaged in conduct during the course of the proceeding which unduly and unreasonably protracted the final resolution of the matter in controversy.

(b) In any case in which a party has any administrative rule invalidated by a court for any reason, including but not limited to the agency's exceeding its statutory authority or the agency's failure to follow statutory procedures in the adoption of the rule, the court shall award the party bringing the action the reasonable expenses of the litigation, including reasonable attorney's fees. (Added by PA 82-670, effective January 1, 1982; Amended by PA 82-1057, effective February 11, 1983; Amended by PA 85-587, effective January 1, 1988)

Section 15. EX PARTE CONSULTATIONS. Except in the disposition of matters which they are authorized by law to entertain or dispose of on an ex parte basis, neither agency members, employees nor hearing examiners shall, after notice of hearing in a contested case or licensing to which the procedures of a contested case apply under this Act, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or his representative, except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or hearing examiner may have the aid and advice of one or more personal assistants. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977)

Section 16. LICENSES. (a) When any licensing is required by law to be preceded by notice and opportunity for hearing, the provisions of this Act concerning contested cases shall apply.

(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.

(c) No agency shall revoke, suspend, annul, withdraw, amend materially, or refuse to renew any valid license without first giving written notice to the licensee of the facts or conduct upon which the agency will rely to support its proposed action, and an opportunity for hearing in accordance with the provisions of this Act concerning contested cases. At any such hearing, the licensee shall have the right to show compliance with all lawful requirements for the retention, or continuation or renewal of the license. If, however, the agency finds that the public interest, safety or welfare imperatively requires emergency action, and if the agency incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action which proceedings shall be promptly instituted and determined.

Any application for renewal of a license which contains required and relevant information, data, material or circumstances which were not contained in an application for the existing license, shall be subject to the provisions of Section 16(a) of this Act. (PA 79-1083; Amended by PA 80-1035, effective September 27, 1977)

Section 17. RATE-MAKING. Every agency which is empowered by law to engage in ratemaking activities shall establish by rule, not inconsistent with the provisions of law establishing such ratemaking jurisdiction, the practice and procedure to be followed in ratemaking activities before such agency. (PA 79-1083)

Section 18. WAIVER. Compliance with any or all of the provisions of this Act concerning contested cases may be waived by written stipulation of all parties. (PA 79-1083)

Section 19. (PA 79-1083; Repealed as of January 1, 1978, by PA 80-1035, effective September 27, 1977)

Section 20. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable. (PA 79-1083)

Section 21. EFFECTIVE DATE. This Act takes effect upon its becoming a law. (PA 79-1083, effective September 22, 1975)

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